

CIVIL GOVERNMENT
OF ARKANSAS AND
UNITED STATES



S.J.BLOCHER



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A PRACTICAL TREATISE
ON THE
CIVIL GOVERNMENT
OF
ARKANSAS AND THE UNITED STATES.

For Public Schools, High Schools, Colleges,
and Normals,

AND A
MANUAL OF REFERENCE FOR THE PUBLIC.

BY
S. J. BLOCHER,
Principal Bentonville Public and High Schools,
Bentonville, Ark.

"Scientia sine multo operis non obtenta est"

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Preface.

“ From the first dawn of human existence down to the present, and from East to West like a rolling wave, nations have come upon the arena, and have been the most conspicuous characters for a short time in the world’s achievements; but, alas! they have been dragged from the arena stabbed with a dagger of their own internal weakness. They have perished. They now lie slumbering with their sages, in the silent tombs, along the highway of the past.” Why is this true? Simply because people have not understood the real object of government and its underlying principles. To educate the people in the principles of our State and United States government is to perpetuate our nation. One of the prime objects of this volume, as set forth above, is to meet a long-felt need of a State and a United States Civil Government, compiled and arranged in such a way as to train the people in, and make them thoroughly conversant with, the government of the State and the United States. It is thought that this volume will, in every respect, meet the above requirements.

The object and scope of the work is, not to explain the law and to decide its intricate points, but to explain the whole plan of our State and United States government in a manner so simple and plain that any one will be able to understand in detail the three great divisions of our government—Legislative, Judicial, and Executive—and their relation to each other and also to the people. A special attempt has been made

to give individually everything in detail connected with each department of our State and United States government in their order, proceeding from the lowest to the highest, thus presenting the whole subject according to the topical method.

I feel that I should say here that every school in the State should have in its course the subject of civil government. Thousands of dollars are spent annually for the support of our public schools. The prime object of these schools is to educate our boys and girls, and in this way make true and model citizens of them. By so doing we believe that our government will ultimately become better, purer, stronger, and more durable. Strange to say, however, that these boys and girls are turned loose in life almost ignorant of the very thing we are striving to improve—our government. Certainly this should not be the case longer.

In this work a special attempt has been made to explain all words and terms as used in law and civil government in connection with each topic in such a way as to enable the pupil to understand their significance with special reference to law and government, thus enabling the pupil to read intelligently the subject-matter before him.

I trust, as I present this volume to the public, that its mission will prove a blessing to the many teachers and pupils of our schools, and that it may have a warm welcome throughout the State.

S. J. BLOCHER.

BENTONVILLE, ARK.

CIVIL GOVERNMENT

OF

ARKANSAS.

CHAPTER I.

History of Arkansas.

I. First Settlement.—The first settlement within the present limits of the State was made in 1670 by the French near the St. Francis river where it discharges its waters into the Mississippi river. It was a part of the French territory until purchased from France in 1803 by Thomas Jefferson, and since known as the “Louisiana Purchase.” This was done to give the United States control of the Mississippi river. In 1812, Louisiana, having been admitted into the Union as a State, the remaining territory was reorganized as Missouri Territory, and in 1819, Missouri, having formed a State constitution, Arkansas and the Indian Territory were organized as Arkansas Territory and remained so until January 15, 1836, when the State was, with its present boundaries, admitted into the Union as the twenty-fifth

State and the twelfth in the order of admission. There were thirty-four counties in the State at the time of its admission into the Union.

2. Arkansas Territory.—Arkansas remained as a Territory from 1819 until 1836. During this time there were nine Territorial Legislatures, the first being held at the Post of Arkansas. James R. Miller was the first Territorial Governor and Robert Crittenden first Secretary of State.

3. First Territorial Legislature (composed of Governor and Supreme Judges) was held at the Post of Arkansas from July 28 to August 3, 1819. The Speaker was Charles Jouitt; the Clerk, George W. Scott; the Governor, Robert Crittenden (acting); and the judges, Charles Jouitt, Robert Letcher, and Andrew Scott.

4. A Special Territorial Legislature was held at the Post of Arkansas from February 7 to February 24, 1820, and is properly the first real Territorial Legislature of Arkansas; also another special session of the Assembly was held at the same place from October 2 to 25, 1820. All other assemblies have been held at Little Rock.

5. Proper Pronunciation.—For many years there was contention among even our best informed citizens as to the correct pronunciation of the name of this State. Most persons pronounced it as it is spelled, while others, especially the early settlers, pronounced the name as if spelled "Ar-kan-saw," following, as

they believed, the pronunciation used by the Arkansas Indians, the aborigines of this country from whom the State derived its name. Finally, to settle the disputation, the General Assembly of 1881 appointed a learned and able committee to investigate the whole subject. This committee made a critical and exhaustive examination, and, based upon the report of the committee, the General Assembly unanimously adopted a resolution declaring that the only true pronunciation is, that it should be pronounced in three syllables, with the final "s" silent, the "a" in each syllable with the Italian sound, and the accent on the first and last syllables, thus making it "Ar'-kan-saw'."

CONSTITUTION OF 1836.

6. First Constitution.—On Monday, January 4, 1836, at Little Rock, in convention assembled, our representatives began to frame the first constitution of Arkansas. It contained only seven Articles, being, therefore, very much abridged in many respects. John Wilson was president of the convention and representative from Clark county, and Charles P. Bertrand, secretary. There were forty-nine other representatives present. They completed their work on the 30th day of January. Under this constitution, the Legislature met every two years on the first Monday of November. It is not necessary to dwell here on the subject-matter of this constitution, or any of

the constitutions of the State except the one now in force. All of the constitutions that have existed in the State, in substance, are very much alike. They differ chiefly in that, as we proceed, they are enlarged upon, broadened, and so arranged as to meet the demands and necessities of the people. Some Articles and sections of the first constitution of the State have been, in substance, embodied in all the other constitutions.

CONSTITUTION OF 1861.

7. Second Constitution.—On account of the abridgment of the first constitution, the growth of population and the present circumstances, and also in order to join the confederacy then being formed by the Southern States, and to give to the people a constitution such as would secure to them the enjoyment of all rights of life, liberty, and property and the pursuit of happiness, the people, by their representatives in convention assembled, at Little Rock, on Monday, the 4th day of March, 1861, began to frame the second constitution, and on the 1st day of June completed the work. David Walker was president of the convention and Elias C. Boudinot, secretary. There were sixty other delegates present who signed this second constitution.

CONSTITUTION OF 1864.

8. Third Constitution.—In order to understand

the object of the third constitution, we quote the first and last paragraphs of the preamble:

“ We, the people of the State of Arkansas, having the right to establish for ourselves a constitution in conformity with the Constitution of the United States of America, recognizing the legitimate consequences of the existing rebellion, do hereby declare the action of the late convention of the State of Arkansas, which assembled in the city of Little Rock on the 4th day of March, 1861, was, and is, null and void, and is not now, and never has been, binding and obligatory upon the people.

“And we, the people of the State of Arkansas, in order to establish therein a State government loyal to the government of the United States, to secure to ourselves and our posterity the protection and blessings of the Federal Constitution and the enjoyment of all the rights of liberty and the free pursuit of happiness, do agree to continue ourselves as a free and independent State by the name and style of ‘ The State of Arkansas,’ and do ordain and establish the following constitution for the government thereof.”

John McCoy was president of the convention and delegate from Newton county, and Robert J. T. White, secretary, with James R. Berry, assistant. There were forty other delegates present who signed the constitution.

CONSTITUTION OF 1868.

9. Fourth Constitution.—This constitution was adopted by the constitutional convention of the State February 11, 1868, and ratified by the people March 13, 1868. The reason for the adoption of this constitution seems to be set forth in the following quotation, Art. 1, Sec. 1, of the 1868 constitution:

“All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal government in the exercise of all its constitutional powers as the same may have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the United States. The Constitution of the United States confers full powers on the Federal government to maintain and perpetuate its existence; and whensoever any portion of the States, or of the people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal government may by warrant of the Constitution employ armed force in compelling obedience to its authority.”

This constitution provides that the Legislature shall meet every two years on the first Monday of January, at Little Rock, but the first General Assembly elected after the adoption of this constitution shall meet on the 2d day of April, 1868. Thomas M. Bowen was president of this convention and delegate from Crawford county, and John G. Price, secretary. There were fifty-two other delegates present who signed this constitution.

CONSTITUTION OF 1874.

10. Fifth Constitution.—We now come to the fifth constitution, and the one of our State at present. It is the one upon which this work must be based. It was adopted in convention at Little Rock, September 7, 1874, was ratified by the people October 13, 1874, and its adoption was proclaimed October 30, 1874. Grandison D. Royston was president and delegate from Hempstead county, and Thomas W. Newton, secretary. There were seventy-six other delegates present who signed this constitution.

STATISTICS.

11. Arkansas has a population of 1,128,179 and has an area of 53,850 square miles, or 34,464,000 acres—about the same size of England without Wales.

The ratio of representation in the United States House of Representatives from 1893 to 1903, based

on the United States census of 1890, is 173,901. By dividing 1,128,179 by 173,901, we find that it will go six times with a fraction off. This shows that we have six representatives in Congress from this State. To the six representatives add our two senators, thus making our representation in Congress eight, and also showing that Arkansas has eight electoral votes.

12. Kinds of Government.—We live under six kinds of government, and, if in an incorporated town, or city, we live under seven—namely, the Home, the School, the Township, the County, the State, the United States, and the City or Town, called municipal government.

REVIEW QUESTIONS.

1. When, by whom, and where was the first settlement of the State made?
2. Give particulars of the purchase of the territory known as "Louisiana Purchase."
3. What constituted Arkansas Territory, and when was it formed?
4. When was Arkansas admitted into the Union?
5. How many counties in the State at the time of its admission?
6. What is the proper pronounciation of the name of this State, and why so?
7. When was the first constitution of this State framed?
8. Who was president and who secretary of the convention?
9. When was the Legislature required to meet?
10. Why was it necessary to frame a second constitution—that of 1861?
11. How many delegates present?
12. Why was the third constitution framed, and where?
13. How many delegates present?
14. When was the fourth constitution adopted and when ratified by the people?
15. What was its object?
16. When did this constitution

require the Legislature to meet? 17. Who was president and who secretary of the convention? 18. When was the present constitution adopted and when ratified by the people? 19. Who was president and who secretary? 20. How many delegates present? 21. Under how many kinds of government are we living? 22. Name them.

CHAPTER II.

Home and School.

13. Introductory.—The home and the school are so closely connected it is thought best to discuss them together. It seems that a discussion of home and home government, in this enlightened age, should not be necessary; but with regret I must say that it is, and in fact it needs more attention than any other one thing. Hardly a nation of the earth to-day has failed to observe and comment on the failure of American home government and the failure of the American people to rear or train children as they should. At present, children haven't that degree of reverence and respect that really should be found in every child. Our ideas and love of liberty have been too freely applied to home government. The result is clearly seen. We have a multitude of men who are as brave and daring as those who scaled the Alps with Hannibal, plenty who would undergo the sufferings of a Valley Forge for our country, and many who could rule and command as did Charlemagne,

Napoleon, and Alexander, yet we find but few who do go into home life and govern as they should—setting good example day by day; always refusing that which is not best for the child regardless of its entreaty; inflicting punishment at one time for an offence and not omitting it at another; making no assertion without fulfillment; putting into their hands good literature; talking to them in such a way as to cause them to fear evil and love right, being just in all rulings, and many other things that should be mentioned. The business affairs of life are taking too much time from home government.

14. Parents.—It is the duty of the parents to study the welfare of the children, to train them in ways of usefulness and honor, to provide food, clothing and shelter, and to assist them in acquiring an education. The law makes the parent partly responsible for the conduct of the children. Good discipline is a blessing to the home, to the children, and to the country.

15. Children.—It is the duty of the children to obey their parents in all things; to be submissive and respectful; to love and care for them, and to do all possible to make them happy. I wish to say to the children who read this that you will perhaps never be able to repay your parents for what they have done for you, especially the mother. She has always loved you and sympathizes with you; she makes your sorrows hers, cares for you in sickness,

and stands by you when all others have forsaken you. She has done a multitude of things for you which you will never know. Learn first to love and respect your parents and strive to bring no sorrow to them.

THE SCHOOL.

16. Constitutional Provision.—No provision had been made for a system of public education until 1868. All of Art. 9, constitution of 1868, is relative to a system of public education. It requires the General Assembly to establish and maintain a system of schools for the gratuitous instruction of all persons in this State between the ages of five and twenty-one years. Art. 14, Sec. 1, of our present constitution, contains the following provision:

“Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State between the ages of six and twenty-one years may receive gratuitous instruction.”

17. Our School System has been greatly improved. We have been making rapid progress. Through the wisdom of our representatives and the influence of some of our educators, many excellent things have been added to our school system. It has been argued

for some time that the following provisions would be helpful to our system of free education: 1st. A uniform series of text-books for the State, or at least the county;* 2d. County superintendency; 3d. Removal of the restriction of the school tax to five mills. (Sec. 6931, Sandels and Hill's Digest.)

18. School Funds.—Our school funds are derived in four ways:

1. From the sale of all lands granted by the United States to this State and not otherwise appropriated, from the sale of State lands† and estrays, from all grants and gifts that may be made to the State, and

* The State Legislature of 1899 passed a law entitled "An Act to provide for county uniformity in text-books," the substance of which is as follows:

In any county, if a majority of the votes cast at the regular school meeting on the third Saturday in May favor uniformity, there shall be a series of text-books adopted for use in the public schools of the county, special school districts excepted. This adoption shall be made by a "County School-Book Board," composed of two teachers of the county holding first-grade certificates and appointed by the State Superintendent of Public Instruction, and two citizens of the county appointed by the county judge, and the county examiner as chairman. The above board shall adopt a series of books for a term of six years; and may receive \$2 a day while sitting for such adoption.

† Ten per cent. of the net proceeds of all public land sold in the State goes to make up the public school fund.

The principal arising from the sale of the sixteenth section of land shall never be apportioned or used. The law

by escheat—that is, through failure of heirs to claim it, property goes to the school fund. The above is known and designated as the Common-School Fund.

2. The State levies a two-mills tax on the assessed value of all property, and imposes a poll tax of one dollar on every qualified elector of the State.

3. Each school district may levy an extra tax of five mills if a majority of the voters so direct.

4. Certain penalties, as the failure to pay tax on personal property at the required time, the forfeitures which school directors make to exempt themselves from serving as such, and other penalties imposed on school officers for neglect of duty.

19. Collection and Distribution of Funds.—

The sheriff is *ex officio* tax-collector in all counties of the State except three.‡ He collects all taxes paid by the citizens of the county, sends the two-mills tax to the State treasury, and pays into the county treasury, with all other taxes, the tax levied by the districts. The interest on the common-school fund is paid directly into the State treasury.

provides that the commissioners of the school fund (Secretary of State, Auditor and Superintendent of Public Instruction) shall invest it in State or United States bonds, and that the interest on it may be used for the support of the public schools. Townships which have not yet sold the sixteenth section are not allowed to receive any of the above income.

‡See page 41, Art. 57.

The school census being taken each year, it is ascertained just how many persons of school age there are in the State and also just the number in each county. The amount of money being divided by the number indicating the persons of school age, gives the amount due each child in the State. The apportionment having been made, at the request of the State Superintendent, this money is sent to the several counties of the State and there placed by the county treasurer to the credit of the district to which it belongs. No money belonging to a district is drawn out except upon warrants issued by the school directors.

SCHOOL DISTRICT.

20. Formation of District.—The county court has power to form new school districts and change the boundaries of the old ones upon petition of a majority of all the electors residing upon the territory of the district to be divided. They are numbered in consecutive order as they are formed or altered. No new district shall be formed, or so altered, as to have less than thirty-five persons of scholastic age.

21. Special District.—Any incorporated city or town in this State, including the territory annexed thereto for school purposes, may be organized into and established as a Single or a Special district in the following manner: Upon the written petition of twenty voters of such city or town, asking that the

vote of the citizens be taken relative to a special district, it is the duty of the mayor to designate and fix a day, not less than seven nor more than fifteen days distant, for holding an election for that purpose and also for the election, at the same time, of a board of six school directors. The single or special district is regulated by special acts for the regulation of public schools in cities or towns. This and other school elections in the special districts are held by the election judges of that voting precinct.

22. Directors.—Three directors are elected in each of the numbered districts and six in the special ones. The election is held annually on the third Saturday in May. Directors serve for three years, one being elected each year in the numbered districts and two in the special. When the three directors are elected the first time in a new district, they agree among themselves that one shall serve just one year, another two years, and the third three years, a new one being elected each year to fill the place of the one going out. In this way two-thirds of the board are experienced. The members of the board of the single or special district follow the same plan, except two members drop out each year and two are elected in their stead.

23. Organization and Duty.—A penalty of ten dollars is imposed if a director fails to qualify and enter upon the discharge of his duty within ten days. They shall elect one of their members as president and

another as clerk. They are required by law to establish separate schools for white and colored children, to adopt such measures as will assist in carrying the school system into effect, to have care of all property of the district, to employ teachers, to make annual report to the county examiner, containing such information as may be required by him, and also the annual district election on the third Saturday in May shall be held by the school directors as judges. It is also the duty of the directors of each district to appoint some person each year to visit the families of the district and make a list of all children between the ages of six and twenty-one years, called taking the census. This is done for the purpose of making the apportionment of the school funds as explained in Art. 19. This list must contain the following items: The number of the district, the county in which it is located, the number of children, their names, ages, white males and females, and colored males and females. This list is known and designated as the Enumeration Report of the School Directors. A fine of \$25 is imposed for a failure to perform the above duties.

24. Other Officers.—The county examiner is the highest school officer of the county and the State Superintendent the highest of the State. They are the only school officers who receive compensation. The county examiner and his duties are explained under the heading of County Officers and the State

Superintendent and his duties are explained under the heading of State Officers. This is done because they belong, respectively, to the county and State officers, although their duties are strictly for the school.

REVIEW QUESTIONS.

1. How does our home government compare in general with that of other nations? 2. What do you think is the cause of many homes not being governed as they should be? 3. Give duties of parents. 4. What can you say in regard to the children and their duties? 5. When were provisions first made for a system of public education? 6. What were the requisite ages for admission into school under the first provision? 7. What are the requisite ages now? 8. Why have we a system of public education? 9. Do you believe the provisions mentioned in Art. 17 would be advantageous to our school system? 10. Give the four ways of deriving school funds. 11. How are they collected and distributed? 12. How are school districts formed? 13. How many directors? 14. How are special districts formed? 15. How many directors? 16. How many directors are elected each year, and when? 17. Who are judges of the election? 18. Give general duties of the directors. 19. What penalties may be imposed upon them, and under what circumstances?

CHAPTER III.

The Township.

25. Introductory.—The idea of township government has existed for centuries. It came into existence by force of necessity. During the settlement of Europe, families collected in groups not so much for government as for protection. These groups or neighborhoods were surrounded by walls, fences, or some means of protection. In old English they were designated as “tuns,” from “tynan,” to “enclose,” from which our words township and town were derived.

26. The Object.—The township is the smallest and simplest political division of the State. Its political power is by far more limited in this State than in the Eastern States. In the New England States the town (the same as our township) is the original political entity, and possesses much power in self-government, the county being simply an aggregation of towns, chiefly for judicial convenience. In the Middle and Western States the powers of the

township are not so great, while in other States its powers are very limited. But wherever the township is found, it is the primary or home step in all government. The object of the township is to place the judicial and executive power of the people in their immediate vicinity, to bring justice to their own homes, to place the responsibility of government on their shoulders, and to relieve the county and circuit court of a multiplicity of petit criminal and civil suits. It also serves as a political division for the election of township officers—the justice of the peace and the constable, as a voting precinct, and as a place for collecting taxes.

27. Kinds of Townships.—There are two kinds of townships in this State. Pupils are often confused as to what they are. We are to deal with only one of these, the Township Politic. The other is the congressional, or mathematical, township, which we will simply define and pass. (For full and detailed explanation of the congressional, or mathematical, township see “Government Land Survey,” pages 24-43, by the author of this work.)

28. Congressional Township.—Under the direction of the United States government, Arkansas, together with many other States, was surveyed not for political purposes, but in order to dispose of the government land and give titles to the settlers, such as would not conflict with each other and create the great confusion that had arisen among the settlers

of the unsurveyed land of the Eastern States. This was done by running a base line east and west across the State, beginning near the mouth of the St. Francis river and terminating at the western boundary line of the State. Parallel to the base line other lines are run six miles apart, called township lines, and to the 5th principal meridian, starting from the mouth of the Arkansas river and being coincident with 90 degrees and 58 minutes longitude west; other meridian lines are run six miles apart, thus dividing the State into divisions six miles square. These divisions, or squares, are called congressional, or mathematical, townships. They are so called because they are surveyed under the directions of Congress and are laid out according to mathematical principles. They have no relation whatever to the political townships which are to be discussed in this work. Congressional townships are regular in form and size and are located according to the township and range columns in which they are located. Political townships are irregular in form, have no definite size, and are named instead of being numbered. I presume that every county in the State has a part of a congressional, or mathematical, township in it, the other part of which is in another county. This cannot be true with reference to the township politic.

29. Formation of Township Politic.—The county court of each county, from time to time as occasion may require, divides the county into conve-

nient townships, subdivides those already established, and alters township lines. These townships are of no regular form or fixed size; but are of such a form and size as, in the opinion of the county court, is most convenient, or suitable, for both the people and the political welfare of the county. The county clerk enters on the minutes of the county court proceedings a description of the above established township, place of holding election, and all other changes as mentioned above, and within thirty days a certified copy of the same is sent to the Secretary of State. No township line shall pass through any town, but the whole of each town shall be included in one township.

30. Government.—The township has no legislative power whatever. It matters not how much a particular locality needs a law, the township has no power whatever to make it. The United States Constitution recognizes three great divisions of government: Legislative, Judicial, and Executive. The township possesses the last two only.

JUDICIAL DEPARTMENT.

31. Justices of the Peace.—The qualified electors of each township elect the justices of the peace for the term of two years. Before entering upon the discharge of their duties, they are commissioned by the Governor. A justice of the peace shall be a qualified elector and a resident of the township for which

he is elected. Each township shall elect, at each general election, one justice of the peace for every two hundred electors, taking the vote of the preceding general election as the basis: provided, that each township, however small, shall have two justices. (Sec. 4308, Sandels and Hill's Digest.)

Remark.—It is to be understood that all reference by “Sec.,” followed by S. & H., is to Sandels and Hill's Digest of 1894.

32. Jurisdiction.—Justices of the peace shall severally have original and concurrent jurisdiction in the following matters:

First. Original jurisdiction in all matters of contract where the amount in controversy does not exceed the sum of \$100, excluding interest; and concurrent jurisdiction in all matters of contract where the amount in controversy does not exceed the sum of \$300, excluding interest.

Second. Concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of \$300; and in all matters of damage to personal property where the amount in controversy does not exceed \$100.

A justice of the peace has no jurisdiction whatever where a lien on land, or title or possession thereto, is involved. It is, therefore, the duty of a justice of

the peace to dismiss the case at once and refuse to take further action when he sees that the title to lands must come into controversy.

The above jurisdiction is coextensive with the county—that is, no justice of the peace is permitted to hold court outside of the township for which he was elected; but all judgments rendered are valid throughout the county.

Third. He has jurisdiction in criminal cases less than a felony, if the penalty is a fine or imprisonment in the county jail. He may also hold a preliminary trial to ascertain as nearly as possible the guilt or innocence of a person charged with the commission of felony.

33. Explanation of Jurisdiction.—Original jurisdiction means that all cases or offences of a certain class must be brought up and tried first in the court having the so-called original jurisdiction, and are not to be tried in any other court except in case of appeal. For example, A wishes to sue B on contract for the amount of \$50. This case cannot be tried in the county court, nor the circuit court, nor in any higher court. It can be tried in the justice's court only, except in case of appeal, because over such cases it has original jurisdiction.

Concurrent jurisdiction means that all cases or offences of a certain class or magnitude may be brought up and tried in either of the courts having

the so-called concurrent jurisdiction. For example, A wishes to sue B on contract for the amount of \$200. This case may be tried in the justice's court or in the circuit court, because these two courts have concurrent jurisdiction.

All cases given under "First" of this article must be tried in the justice's court first, and all cases under "Second" may be tried either in the justice's court or the circuit court.

34. Appeals.—Any person aggrieved by any judgment rendered by a justice of the peace, except a judgment of dismissal for want of prosecution, may, in person or by his agent, take an appeal therefrom to the circuit court. There are certain requisites that must be complied with before an appeal can be taken. (Sec. 4430, S. & H.)

35. Change of Venue.—Either party may take a change of venue (place) from one justice of the peace to another in the same township. If, however, there should be no justice of the peace in the township competent to try the case, then it is taken to a justice of the peace in an adjoining township. The party desiring to take a change of venue must, before such change is granted, show clearly that there is a likelihood of his not receiving justice unless the change be made.

36. Duties, Privileges, and Salary.—The justice must be a conservator of the peace within the county, must keep a docket in which must be entered

in continuous order—first, the title to each cause; second, a brief statement of the nature and amount of the plaintiff's demands and the defendant's set-off, if any, giving date to each where dates exist; third, the issuing of the process and return thereon; fourth, the appearance of the respective parties; fifth, every adjournment, stating at whose instance and for what time; sixth, the trial, and whether by the justice or by a jury; seventh, the verdict and judgment; eighth, the execution, to whom delivered and the amount of debt, damages and cost endorsed thereon; ninth, the giving a transcript for filing in the clerk's office, or for set-off, if one is given; tenth, a note of all motions made and whether granted or refused; eleventh, an itemized statement of all cost in the case. He is exempted from working the road, and may perform marriage ceremonies. He receives no fixed salary, but may collect fees for his services. The amount of each fee is fixed by law, ranging from ten cents to two dollars and fifty cents. Lawyers of the county are permitted to practice in the justice's court, and from sixth above we observe that there may or may not be a jury. It is optional with the plaintiff or defendant.

EXECUTIVE DEPARTMENT.

37. Constable.—The qualified electors of each township elect one constable for the term of two years. Every constable, within thirty days after elec-

tion or appointment, enters into bond in a sum not less than \$500 nor more than \$5,000. The constable must be a conservator of the peace in his county. It is his duty to suppress all riots, affrays, or unlawful acts of any kind. Any constable to whom any process may be directed has power to execute such process anywhere in the county. The constable waits upon the justice's court and serves warrants.

The constable receives no fixed salary. He collects fees for his services. These fees are fixed by law, ranging from ten cents to seventy-five cents.

If a township be so altered by court as to necessitate an election of another constable, the old one continues as constable of the township in which he resides. If the court so approves it, the constable has power to appoint such deputies as he may need. He is subject to a fine of not less than \$5 nor more than \$100 for non-performance of duty.

38. Vacancies.—The Governor shall, in case a vacancy occurs in any State, district, county, or township office in the State, either by death, resignation, or otherwise, fill the same by appointment, such appointment to be in force and effect until the next general election thereafter.

This is Amendment No. 3 to the State constitution. For the method of filling vacancies prior to this amendment see Section 50, Art. 7, of the constitution.

REVIEW QUESTIONS.

1. When did the idea of township government originate? 2. What brought it into existence? 3. Why is it called town or township? 4. How does the power of the township of this State compare with that of other States? 5. Give the objects of the township. 6. What are the two kinds of townships? 7. Explain the congressional, or mathematical, township. 8. What is its object? 9. Where is the 5th principal meridian and the base line? 10. Contrast the two kinds of townships. 11. Locate the congressional township you are now in and give name of your political township. 12. How are political townships formed? 13. How many in your county? 14. Give the two departments of government belonging to a township. 15. How long does a justice of the peace hold office? 16. How many justices in each township, and how is the number ascertained? 17. Explain original jurisdiction. 18. Give the limit of the justice's original jurisdiction. 19. Explain concurrent jurisdiction. 20. Give the limits of the justice's concurrent jurisdiction. 21. Give a case in which a justice has no jurisdiction. 22. What is his jurisdiction in criminal cases? 23. May an appeal be taken from a justice's court, and if so, to what court? 24. What is meant by change of venue? 25. Why and where may a change of venue be taken? 26. Give duties of a justice of the peace. 27. What compensation does he receive? 28. Does he try his cases before a jury? 29. How long does a constable hold office? 30. What are the limits of his bond? 31. Give his duties. 32. What compensation does he receive for his services? 33. What penalty may be imposed for non-performance of duty? 34. How are vacancies filled, either in the office of justice or constable?

CHAPTER IV.

The County.

39. Origin.—Early in the settlement of the European nations and also in the United States, townships were formed as explained in Art. 25. These townships united for the sake of convenience in many respects. Of course, they were not always called townships. In early English civilization they were known as clans or tuns, in Germany as marks or hundreds, in France as fiefs or feuds, and in the United States as townships, towns, beats or hundreds. These primary governments having been united, formed in their respective countries a division of government corresponding to that of our county.

In England the “shire” was formed, and in France (later in its history) the “comte,” from which we derive our word county. Louisiana is the only State in the Union that does not call this division of government the county. There it is known as the parish.

40. Formation of Counties.—Before the United States government came into power, townships or

towns united and formed counties, counties united and formed colonies, and colonies united and formed the United States: now our government being in power, organizes Territories and afterwards admits them into the Union as States; these States are subdivided into counties, and the counties are subdivided into townships, the whole plan being reversed.

Article 13, Sec. 1, of the constitution, contains the following provision:

“No county now established shall be reduced to an area of less than six hundred square miles nor to less than five thousand inhabitants; nor shall any new county be established with less than six hundred square miles and five thousand inhabitants. The counties of Lafayette, Pope, and Johnson are excepted.”

No part of a county may be taken off to form a new county, or a part thereof, without the consent of a majority of the voters in the part to be taken off; neither may a county seat be located or changed except by a majority of the voters of the county favoring it.

41. Original Counties.—During the time when Arkansas was a Territory it was divided into thirty-four counties, as follows: Washington, Scott, Johnson, Pope, Conway, Van Buren, Carroll, Searcy, Izard, Independence, Crawford, Jackson, Lawrence,

Randolph, White, Pulaski, Saline, Hot Springs, Clark, St. Francis, Pike, Hempstead, Miller, Sevier, Lafayette, Union, Arkansas, Jefferson, Monroe, Phillips, Greene, Crittenden, Mississippi, and Chicot. Since the State's admission into the Union in 1836, forty-one other counties have been formed, thus making the number in the State seventy-five.

42. Oath of Office.—The constitution provides the following oath for senators, representatives, all judicial and executive State and county officers, and all other officers both civil and military:

“I,, do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of, upon which I am now about to enter.”

LEGISLATIVE DEPARTMENT.

43. The County is like that of the township in that it has no Legislative Department. The laws governing both the township and county are made by the State Legislature. The county has two departments: the Judicial and Executive.

JUDICIAL DEPARTMENT.

44. County and Probate Judge.—The qualified electors of each county shall elect a county judge for

the term of two years, who shall also be judge of the court of probate, and known as county and probate judge.

45. Qualifications.—He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education, a resident of the State two years next preceding his election, and a resident of the county at the time of his election and during his continuance in office.

46. Jurisdiction.—1. As county judge, he has exclusive original jurisdiction in all matters relating to county taxes and to roads, the appointment of reviewers and overseers of roads, and the erection of bridges; to look after ferries, paupers, vagrants, and the welfare of minors; to audit, settle, and direct the payment of all demands against the county; to have the control and management of all property belonging to the county, and to have control of all cases that may relate to the internal improvement and local concern of his county. Any person not satisfied with the decision of the county or probate court may take an appeal to the circuit court. The county court must be held by one judge, except as provided by law. (See Sec. 30, Art. 7, constitution.)

2. As probate judge, he has exclusive original jurisdiction in all matters relating to the probate of wills, the estate of deceased persons, executors, administrators, and guardians.

47. General Duties.—The county judge has many duties of vital importance to the people. He has in his hands the general management of the county affairs. He assists in the levying of taxes, issuing county bonds, erection and repair of court-houses, poorhouses, jails, houses of correction, management of prisoners, and to look after the interest of widows, orphans, and the insane.

TIME FOR HOLDING COURT.

48. County Court.—The times for holding the regular terms of county courts as fixed by statute (Secs. 1157-62, S. & H.) are as follows:

1. "The regular terms of the county courts in the several counties in this State—except in the counties of Franklin, Pope, Madison, Newton, and Fort Smith District of Sebastian—shall commence on the first Monday in January, April, July, and October of each year, and continue as long as the business shall require.

2. "The county court of Sebastian county shall be held at Greenwood on the first Monday in January, April, July, and October, and at Fort Smith on the second Monday in January, April, July, and October in each year.

3. "The county court of Franklin county shall be held on the third Monday in January, April, July, and October.

4. "The county court of Pope county shall be held on the fourth Monday in March and the first Monday in January, July, and October.

5. "The county court of Madison county shall be held on the second Monday of January, April, July, and October.

6. "The county court of Newton county shall be held on the third Monday of January and July, and the first Monday in April and October."

49. The Probate Court convenes in each county four times a year. Since the time is fixed by law and differs so much for the various counties of the State, it is not practicable to give it here. (For time see Sec. 1139, S. & H.)

50. Salary.—County and probate judges receive a fixed salary for their services. The salary of the judge of each county is fixed by law, the minimum being \$300 and the maximum \$2,400 per year. Each judge orders the clerk of his court to issue quarterly warrants for the amount of salary to which he is entitled by law.

Remark.—The circuit court is held in each county, but this comes under the judicial department of the State.

EXECUTIVE DEPARTMENT.

51. The County Officers of the Executive Department are as follows: Circuit clerk, county clerk,

sheriff and collector, treasurer, assessor, county examiner, coroner, and surveyor.

52. County and Circuit Clerks.—The qualified electors of each county elect a circuit clerk for the term of two years. He is *ex officio** clerk of the county and probate courts and recorder in his county, except when any county has a population exceeding 15,000 inhabitants as shown by the last Federal census. In such counties there is elected a county clerk in like manner as circuit clerk. The county clerk is *ex officio* clerk of the probate court of his county. It thus leaves the circuit clerk to be *ex officio* recorder only, and not clerk of the county and probate courts as he is when only one clerk is elected for all the clerical duties of the county. There are at present twenty-nine counties in the State having both a circuit and a county clerk. They are as follows: Benton, Boone, Carroll, Clark, Columbia, Conway, Crawford, Drew, Faulkner, Franklin, Garland, Hempstead, Independence, Jackson, Jefferson, Johnson, Lee, Logan, Lonoke, Madison, Monroe, Ouachita, Phillips, Pope, Pulaski, Sebastian, Washington, White, and Yell.

* The word *ex officio* is a Latin word, and means growing out of office. As used in civil government, it means that by virtue of the fact that an individual holds a certain office, he must perform the duties of another also, as, for example, the law requires the circuit clerk to perform the duties of recorder, hence he is said to be *ex officio* recorder.

53. Duty of Circuit Clerk.—He keeps a record of the proceedings of the circuit court; administers oaths to witnesses, or to others on oath, in the circuit court, prepares bonds, preserves seal, and keeps his office at the county seat; he also records in books furnished by the county, deeds, mortgages, deeds of trust, bonds, marriage contracts and certificates.

If you hold a deed, mortgage, or a deed of trust, you do not have to have it recorded to make it valid, or good. But, if the deed be destroyed in any way, it might be impossible to again restore it, while, if recorded, a duplicate, or a new deed, could easily be obtained. All instruments as mentioned above should be recorded without delay.

If, at any time, you should desire a deed or a mortgage recorded, or to examine the title of any property in the county, you go to the circuit clerk's office. These books are kept open for public inspection.

54. Bond.—The circuit and county clerks each shall, before entering upon the discharge of their duties, take, and subscribe the oath prescribed in Art. 42, and shall enter into bond with good and sufficient security to the State for the faithful performance of their duties in a sum not less than \$15,000. The above bond is for the faithful performance of duty as county and as circuit clerk. An additional bond of \$2,000 is required of the circuit clerk for the faithful performance of his duty as

recorder. No extra bond is required of the county clerk for the faithful discharge of his duty as probate clerk.

55. Duty of County Clerk.—He keeps a record of the proceedings of the county and probate courts; administers oaths to witnesses, or others on oath, in such courts; makes and delivers a list of all electors who have paid their poll tax; furnishes the collector with a list of those who have been assessed, stating the amount, issues marriage licenses, furnishes the prosecuting attorney, at the beginning of each term of the circuit court, a statement of all the deficits of collecting officers, on account of fines, penalties, and forfeitures, and issues licenses to circuses auctioneers, peddlers, and to saloon keepers or any one who sells ardent liquors.

56. Deputies.*—Each clerk may appoint one or more deputies, for whose official conduct he shall be responsible. Such deputies shall possess the like qualifications and take the like oaths of office as their principals, and may, in their name, perform all duties required of their principals.

57. Sheriff and Collector.—The qualified electors of each county elect a sheriff for the term of two

* Each officer has to pay his own deputy or deputies, unless otherwise stated under the respective topics. The law expects each person to perform the duties of his office; but in case he cannot, he is allowed to employ some one, at his own expense, to assist him.

years who is *ex officio* collector of all taxes, except when the Legislature passes a special act granting to a county the privilege of electing one person as sheriff and another as tax collector. It is in the power of the Legislature to grant this privilege to any county asking for it. There are only three counties in the State—Columbia, Independence and Carroll—which have a collector separate from the sheriff.

58. Bond.—The sheriff shall, within fifteen days after the receipt of his commission, enter into bond to the State in any sum not less than \$5,000 nor more than \$50,000 for the faithful performance of his duties as sheriff; and as collector, he shall enter into bond in amount greater by one-fourth than the aggregate amount of taxes to be collected by him. As sheriff, his bond must be approved by the circuit court, and as collector, by the county court. Before entering upon the discharge of his duties he takes and subscribes the oath of office given in Art. 42.

59. Duties.—He executes all processes directed to him by legal authority, is a conservator of the peace, arrests all persons offending in his presence, quells and suppresses all affrays, riots, or other disturbances, attends each term of court in his county and waits upon the same, serves warrants and subpoenas, executes any one condemned to death, proclaims at least twenty days beforehand all county elections, has care of the court-house and jail, takes care of the prisoners, or appoints some one to do so,

and sells, or causes to be sold, all property on which taxes have not been paid. If the sheriff fails to perform any of the above duties, or any duties enjoined by law, he is guilty of misdemeanor, and may be removed from office.

As tax collector, he notifies the tax payers of the county as to the time for collecting taxes, goes to each township in the county at the time so stated, and there collects all taxes due the county.

60. Deputies—He has power to appoint such deputies as will enable him to perform all the duties of his office in due time. He is personally responsible for the official conduct of his deputies. Such appointments shall be approved by the circuit court, or the judge thereof in vacation, or by the county court. The deputy sheriff possesses all the powers of his principal and may perform all duties required of the sheriff.

61. Salary of County Officers.—The salary of county officers, unless otherwise stated under their respective heads, is fixed by special acts of the Legislature. Usually a special act is passed for each county fixing the salary of its officers. To indicate clearly how this is done, the act fixing the emoluments and salary of the officers of Benton county is here quoted in substance:

“ Fixes \$1,500 as limit of fees and salary of county clerk. Fixes \$1,800 as limit to fees and salary of

circuit clerk. County clerk not allowed to charge fees for services rendered any person having a claim against county. Treasurer's salary not to exceed \$900. Collector's salary not to exceed \$1,000. Sheriff's salary not to exceed \$1,500. Assessor's salary not to exceed \$800. Assessor may also have same fees for listing and assessing delinquents as now provided by law. Out of such sum to pay deputies and assistants. Excess money to be paid into general revenue fund of county."

62. County Treasurer.—The qualified electors of each county elect, for the term of two years, a county treasurer, who is *ex officio* treasurer of the public-school funds of the county. Before taking charge of his office he must enter into bond with the State, with good and sufficient security, in a sum one-fourth greater than all the county revenues that may come into his hands in any one year.

He may appoint one deputy, for whose official conduct he is held responsible. This deputy possesses all the powers of his principal.

63. Duties.—As his name implies, he is custodian of the people's money. By order of court, he disburses, or pays out, the money belonging to the county. On presentation of directors' warrants, he pays out such public-school money as may belong to each district of the county. He can pay out no more money to defray the expenses of any one dis-

trict than the amount apportioned to it, although there be yet plenty of money in the treasury. On the first Monday in July he must make, also, an annual settlement with the county court, setting forth the receipts, disbursements, and the amount on hand of all moneys having come into his hands during the year.

64. Compensation.—The county treasurer, in all cases where the amount received does not exceed \$1,000 in any one year, receives four per cent. and on all sums over \$1,000 he receives only two per cent. He is also allowed, as commission on the aggregate amount of all the school funds of the county coming into his hands in any one year, the rate of two per cent. and no more: provided, that if any county treasurer shall have taken commission from any particular school fund, the same fund shall not be subject to commission in the hands of his successor in office.

65. Assessor.—“At the general election, in the year 1884, and in every second year thereafter, the qualified electors of each county shall elect an assessor for the term of two years. He shall enter into bond in a sum not less than \$1,000 nor more than \$8,000, for the faithful discharge of his duty. He shall take and subscribe the oath prescribed in the constitution (Art. 42, this work), and in addition thereto another oath provided especially for his office.” (Sec. 6481, S. & H.)

66. Duties.—The assessor goes to each voting place in his county and there remains no less than one day where the voting population is less than seventy-five, two days where it is seventy-five and not more than one hundred and twenty-five, three days where it is more than one hundred and twenty-five, and ten days at the county seat, and ascertains as nearly as possible while there the exact valuation of the property, both personal and real, and the *per capita* tax; he keeps a list of all delinquent tax payers, and is required to make a return of all taxable property to the county clerk. He also meets with the Board of Equalization, having with him a complete list of the assessed property of the county.

He may appoint such deputies to assist him as will be necessary to complete his work in the time fixed by law.

67. Compensation.—One-half of the compensation of each assessor is paid by the State and one-half by the county. For each name listed he is allowed twenty cents. All the property belonging to one individual is counted as one name. For each list of real property the owner of which is unknown, or a non-resident, he is allowed one dollar. (Secs. 6485-86, S. & H.)

68. Kinds of Property.—There are two kinds of property, Personal and Real Estate. Personal property consists of such things as are movable, or intended to be moved, and may be taken by the owner

wherever he goes—that is, may attend his person, as household goods, farm implements, and stock. Real estate consists of such property as cannot be, or is not intended to be, moved, and includes land with whatever is erected upon it, as fences and houses. Timber growing is real estate; but when cut and made into cord wood, fence posts, or lumber, it is held to be personal property. In some cases it is rather hard to discriminate.

69. Assessment.—Personal property is assessed every year and real estate every two years. This is done because personal property is continually changing and is not so nearly permanent in regard to ownership as is real estate. The assessor furnishes the property owner a blank especially prepared for the purpose of listing property. The owner, after the list has been carefully made out setting forth the various kinds of property—as horses, hogs, cattle, sheep, wagons, farm implements, household goods, moneys, mortgages, merchandise, etc., and description of real estate, if any, and the value thereof—returns it to the assessor. If any one so desires it, the assessor will assist in making up this list and fixing the value of each kind of property. The law requires the assessor to ascertain as nearly as possible the cash value of property and whether or not it has all been listed. He is also required to make a list of all who fail to assess their property, hunt them up, assess their property, and impose a penalty for his extra trouble.

70. Surveyor.—The qualified electors of each county elect a county surveyor for the term of two years. He must enter into bond with the State in a sum not less than \$1,000 nor more than \$6,000 for the faithful performance of his duty. He receives \$5 for each day he may be engaged, either under order of court or otherwise, and collect such fees for his services as are now fixed by law.

71. Duties.—He executes all orders to him directed by any court of records, for surveying or re-surveying any tract of land the title of which is in litigation; he is also required to survey roads for county purposes, to establish or re-establish county lines, and to survey or measure any piece of land the boundary or quantity of which may be in dispute. A certified copy of his records is admitted as *prima facie* evidence in any court of records. All surveys made by him must conform to the original United States Land Surveys.

He has power to appoint deputies who, under the same oath, may make legal surveys just as the county surveyor himself.

72. Requisites.—He must furnish himself with a compass of approved construction, a two-pole chain of fifty links, and a well-bound book in which records of surveys are to be recorded. Before making a survey he must correct his compass according to the variation of the needle, must have bearings, in degrees, of lines to be established and place of beginning.

73. Coroner.—The qualified electors of each county elect a coroner for the term of two years. He shall enter into bond in a sum not less than \$5,000. He takes the oath of office given in Art. 42. He is really a judicial officer; however, it is more convenient to discuss the subject here.

74. Duties.—He shall be a conservator of the peace, and shall quell all affrays, riots, and assaults and batteries. If the dead body of any person be found and the circumstances of the death be unknown, information shall immediately be given the coroner of the county, and also if any person dies and the circumstances of his death indicate that he has been foully dealt with, the information shall forthwith be furnished to the coroner. On the receipt of such information the coroner shall summons, without delay, not less than twelve nor more than twenty-three persons of his county, qualified to serve as jurors, to appear at the place where the body lies, and if twelve do not appear, he shall summons others until that number appears. He shall then administer an oath prescribed by law to the above requisite number, and shall proceed to ascertain as nearly as possible the truth concerning the death of the individual. He may do this in any way possible as in any other trial by jury, as summoning persons who may be suspected to be concerned in or may know something concerning the death. If the jury brings in a verdict of death by foul means, and all the evi-

dence seems to substantiate the fact that some particular individual committed the deed, the coroner must have such person arrested and held for further trial. This is one of the primary objects of the inquest, and to ascertain whether or not it be necessary to take further steps to bring the criminal to justice.

When the sheriff commits some unlawful deed, or is suspected of it and is brought to trial for the same, the coroner performs all the duties of the sheriff until he is restored to office, or, if removed, until the Governor appoints another.

75. Compensation.—He receives no fixed salary for his services, but collects such fees as are fixed by law, the maximum being \$3 for holding an inquest over a dead body.

76. County Examiner.—The county judge of each county, at the first term of court after each general election, appoints, in each county not divided into two judicial districts, one county examiner, and in each county divided into two districts, may appoint one county examiner for each district, such examiner to be of high moral character and scholastic attainments. The person appointed receives a commission issued by the county clerk, who also notifies the State Superintendent of such appointment.

Before entering upon the discharge of his duty he takes and subscribes the oath of office prescribed in Art. 42; he is also examined to procure examiner's

license. The State Superintendent attends in person or appoints some one to conduct this examination.

77. Salary.—Each person, before being admitted to examination, must get a receipt from the county treasurer for \$2. This goes to the credit of the school fund. The county judge may allow the county examiner all or such a part of such receipts as in his opinion seems to be just compensation. He is not permitted to allow the examiner more than is received from the applicants for examination.

78. Duties.—He is required by law to distribute to school directors the poll books prepared and sent out by the State Superintendent for annual elections; to examine and license teachers of common schools; to hold for that purpose, at the county seat, a public examination on the third Thursday and Friday of March, June, September, and December; to give notice of such examination at least twenty days beforehand, to examine on the following branches of study: Orthography, Reading, Penmanship, Mental and Written Arithmetic, English Grammar, Physiology, and Hygiene, United States History, Modern Geography, United States System of Land Survey, and Theory and Practice of Teaching; to keep a record of the name, age, sex, post-office address, nativity, and date and grade of certificate of each teacher licensed; and to make, on or before the 20th of September, annually, a report concerning the schools of the county. He issues three grades of certificates:

First, second, and third grades. The first grade is good in the county where issued for two years; the second, for one year; and the third, for six months. Arithmetic, Orthography, and English Grammar are called Standard Branches. A grade of eighty-five per cent. on each of these, with a general average of eighty-five on all of the branches, is the minimum for a first-grade certificate; a grade of seventy-five per cent. on each of the standard branches, with a general average of seventy-five per cent. on all of them, is the minimum for a second grade; and a grade of sixty-five per cent. on the standard branches, with a general average on all of them, is the minimum for a third grade.

The county examiner is not county superintendent of schools. There is no such thing at present. It has been advocated for some time that this office should be created and the county examiner's office merged into it. The county examiner is expected, however, to look after the schools as much as possible, and to encourage the people in bringing their schools up to a high standard.

TAXES.*

79. Equalization Board.—The Board of Equalization of each county is composed as follows: Three

* We, as people of Arkansas, are taxed as follows:

1. The State levies a tax upon the assessed value of both the personal property and real estate of each county. It

intelligent citizens, real-estate owners and qualified electors of such county, are appointed every two years by the Governor on or before the first day of August. The said three citizens are selected from different parts of the county, and hold their office for the term of two years. Counties of the State having two judicial districts have a Board of Equalization for each district, when it is so recommended by the county court. This board meets in each county on the second Monday in September of each year. If there be two judicial districts the board not in the district where the levying court meets shall meet on the first Monday in September at the place for holding the court of that district.

The members of the board, on meeting, proceed to

is usually about 4 mills on the dollar. The tax collector (Arts. 57 and 60) of each county is notified of this rate, and, at the regular time for collecting the county taxes, collects the State tax;

2. The law requires the collector to collect also a 2-mills tax for public-school purposes;

3. The levying court levies a tax upon all property for the general expenses of the county. This tax is usually 4 or 5 mills;

4. Each school district may vote a tax of 5 mills for the support of the public school of the district;

5. Each qualified voter must pay a poll tax of \$1 each year for the support of the public schools of the State; and

6. If we live in an incorporated town or city, we have to pay such taxes as the city council may levy upon us for the support of the institutions of the town or city.

organize by electing one of their members president. The county clerk is clerk of the board. Each member takes the oath given in Art. 42. The sum of \$3 per day for each day engaged in the discharge of their duties is paid to each member. If a vacancy should occur in the board, the Governor appoints another.

80. Duties.—The specific duties of the Board of Equalization are, to equalize the valuation of all personal property by adding to or taking from its value, as returned by the assessor, according as too low or too high an estimate has been placed upon it, to hear all complaints concerning the assessed value of property, and to add to the assessed property such items as may have been omitted, or to drop such as may not belong. In order to do this properly, it is the duty of the assessor to be present with his books containing the property assessed by him.

81. Real Estate.—The County Board of Equalization meets on the second Monday in September only once every two years for the purpose of equalizing the valuation of real estate. As in the case of personal property, it is their duty to add to or take from the valuation of real estate as assessed by the assessor. It is the duty of the county clerk to be present with the returns of all property as assessed by the assessor. The primary object of this work is that just and equal valuation may be placed upon all property, thus causing each individual to bear

his part of the tax, or expense, of the government. Any person may appear before this court and show that too high an estimate has been placed on his property. If aggrieved by the action of the board, he may take an appeal to the county court and afterward to a higher court.

82. Levying Courts.—The county judge, with a majority of the justices of the peace, constitute a court for levying the taxes and making appropriations for the expenses of the county. They meet annually at the court-house in their respective counties, or districts, on the first Monday in October. The county judge is presiding officer and the clerk of the county court is clerk of the levying court. They proceed to business in the following manner:

First. The clerk of the county court submits a full written report and statement of the financial condition of the county, showing amount of revenues received in the preceding twelve months, sources, appropriations of previous courts, amount drawn, the balance or deficit that there may be, and the taxable property as shown by the assessor's book.

Second. The sheriff submits a written report of all taxes collected, the kind of funds, the disposition made of it, and the amount of license collected by him, and the number of prisoners and the expense of keeping.

Third. The treasurer of the county submits a writ-

ten report of all funds received by him, from whom and on what account.

Fourth. The county judge submits a written report setting forth the condition of public roads, bridges, condition of the public property of the county, and all other matters of public concern from a financial standpoint.

Fifth. The levying court proceeds to make the appropriations in the following order:

1. To defray the lawful expenses of the several courts of record of the county or district and the lawful expenses of criminal proceedings in magistrates' courts, stating the expenses of each of said courts separately.

2. To defray the expenses of keeping persons accused or convicted of crime in the county jail.

3. To defray the expenses of making the assessment and tax-books and collecting taxes on real and personal property.

4. To defray the lawful expense of public records of the county or district.

5. To defray the expense of keeping paupers of the county or district.

6. To defray the expense of building and repairing public roads and bridges and repairing and taking care of public property.

7. To defray such other expenses of county government as are allowed by the laws of this State.

8. After the appropriations shall have been made, the court shall then levy the county, municipal, and school taxes for the current year.

83. Restrictions.—The court specifies the amount of appropriations in dollars and cents for each purpose. The amount of appropriations for any one year must not exceed ninety per cent. of taxes levied for that year. All warrants must specify the appropriation upon which they are drawn.

The justices of the peace who hold or assist the county judge in holding the terms of the county courts in their respective counties in levying county taxes, and in making appropriations for the expenses of the county, are entitled each to \$3 per day, payable out of the county treasury.

If it were the province of this book, I would say here that this plan should be changed. A number of counties have as many as sixty justices of the peace. For \$3 per day they are generally all present when the levying court convenes. The cost of a three days' term of court according to the above is \$540. This work could be performed by five men as well as by sixty or any other number.

COUNTY BUILDINGS.

84. Court-House and Jail.—There shall be erected in each county, at the established seat of justice, a good and sufficient court-house and jail, and

as soon as the court-house and jail shall be erected and the circumstances of the county will permit, there shall also be erected a fire-proof building at some convenient place near the court-house, in which shall be kept the offices of the recorder and the clerks of the several courts held in the county.

When it has been decided that any of the above buildings shall be erected or any such improvements made, it is the duty of the county judge to appoint a commissioner of building, who shall take the plans and specifications, and, after the matter has been sufficiently advertised, let the contract to the lowest bidder, who shall enter into bond with sufficient security for the faithful performance of the duties set forth in the contract.

The commissioner shall receive such pay for his services as the county judge may deem reasonable.

85. Poorhouse.—Each county court, or judge, shall have power, when it is thought expedient, to establish a poorhouse, and for that purpose to appoint three persons to act as commissioners, whose duty it shall be to select a proper site for the same, purchase such quantity of ground as may be directed, and cause such buildings to be erected as may be thought necessary. These commissioners, before entering upon the discharge of their duty, shall take an oath for the faithful and honest discharge thereof.

After the poorhouse has been completed, the county judge, for the smallest sum, shall let it out,

annually, to such competent person as will take charge of the same, reside therein, feed, clothe, and furnish the necessary medicine and medical attendance to all inmates. Such person shall give bond with good security for the faithful discharge of the above duties. It has been made the duty of every county to relieve, maintain, and support the poor, sick, lame, blind, and others who are unable to help themselves.

86. House of Correction.—If the tax payers of each township and enough to make a majority of all tax payers of the county so petition it, the county judge shall purchase a farm or a tract of land within the county and provide for the erection of a house of correction. He shall let the contract to the lowest bidder, as in the case with the poorhouse.

All persons convicted of petit larceny, or any crime such as to imprison them in the county jail, shall be sent to the house of correction. The county judge shall appoint a superintendent, who shall receive such compensation as the judge may deem reasonable. The house of correction shall be under such discipline and management as the superintendent and the county judge may prescribe from time to time. The general management as to work, products, expense, and deficits has been fixed by law.

87. Commissions.—All officers of the county, except county examiner and constable, are commissioned by the Governor.

88. Vacancies.—(See Art. 38.)

REVIEW QUESTIONS.

1. Give origin of the county. 2. From what word is it derived? 3. How were counties first formed? 4. How has the plan been reversed? 5. What is the minimum area and number of inhabitants that a county may have? 6. What counties are excepted? 7. What must be done before a part of a county may be cut off? 8. What before a county seat can be located or changed? 9. How many counties in Arkansas when admitted into the Union? 10. Is your county one? 11. Give the oath of office. 12. Is there a Legislative Department in the county? 13. Give the two departments. 14. How long does the county judge serve? 15. What other duty has he besides that of county judge? 16. Give his qualifications. 17. Over what affairs of the county has he jurisdiction? 18. What does he do as probate judge? 19. Give his general duties. 20. When does the county court convene in your county? 21. How often does the probate court meet? 22. Give salary of the county judge. 23. Name the county executive officers. 24. Is the coroner an executive officer? (See Art. 73.) 25. How long does the county and circuit clerk serve? 26. What are the duties of the clerk when only one is elected in the county? 27. In what counties may a county clerk be elected? 28. Are there two clerks in your county? 29. If so, give their names. 30. Give the duties of the circuit clerk. 31. Give bond of both the circuit and the county clerk. 32. Give duties of county clerk. 33. How long does the sheriff hold office? 34. What other office does he hold? 35. May any county elect both a sheriff and a collector? 36. Give the sheriff's bond. 37. Who is the sheriff of your county? 38. Is there a separate collector? 39. Give duties of sheriff and collector. 40. May he appoint a deputy? 41. How is the salary of county officers fixed? 42. How long does the treasurer serve? 43. Who collects school funds? 44. Give duties and bond of treasurer. 45. What compensation does

he receive? 46. How long does the assessor serve? 47. What is his bond? 48. Give duties and compensation of assessor. 49. Explain the two kinds of property and give example of each. 50. How does the assessor proceed to assess property? 51. Give bond of surveyor and his duties. 52. What are the requisites before proceeding to make a survey? 53. Give term of office and bond of the coroner. 54. Explain carefully his duties and how he proceeds to hold an inquest. 55. Under what circumstances does he take the sheriff's place? 56. What compensation does he receive? 57. Is the county examiner elected? 58. How long does he hold office? 59. How many in each county? 60. Give his duties. 61. Give branches of study required to be taught in the public schools. 62. Give grades of certificates and requirements for each. 63. How is the Board of Equalization composed? 64. What is the object of it? 65. Give time of meeting. 66. What compensation do its members receive? 67. Explain carefully the object of the levying court. 68. How do they proceed to business? 69. What compensation do its members receive? 70. Do you think our levying court is the best and cheapest plan? 71. Give the requirements in regard to the court-house and jail. 72. What provisions are made relative to a poorhouse, and who has charge of it? 73. What is the object of the house of correction? 74. How is it managed? 75. What officers of the county and township are commissioned by the Governor? 76. How are vacancies filled? 77. What does the word *ex officio* mean? 78. Give its use and meaning in civil government. 79. How many *ex officio* officers are there in your county, and give them?

CHAPTER V.

The State.

89. Introductory.—The State possesses the three functions of government: First, Legislative Department, to make all laws; second, Judicial Department, to apply the laws; and third, Executive Department, to enforce them. Our State government in form is republican—that is, a form of government in which all affairs are administered not by each individual present in person, but by representatives of the people. It is just as true with our State government as with the national, that our government is of the people, by the people, and for the people. A government used for any purpose other than to serve the best interests of the people as a body and to serve as a means of protection to them, while performing life's duties, is a failure, and should have been crushed in its very incipency. All government should be the servant of man. That government which approaches most nearly to a complete servitude of man is the highest and best form of government.

LEGISLATIVE DEPARTMENT.

90. The Legislative Power of this State is vested in a General Assembly, which consists of the Senate and House of Representatives. Ever since the days of the "conscript fathers" of Rome the idea of double legislation has existed. It is based on the principle that hasty or unwise legislation by one body will be checked or greatly modified by the other.

91. Time of Meeting.—The General Assembly meets at the seat of government every two years, on the second Monday in January, at 12 o'clock M., and continues in session sixty days. It may, by a vote of two-thirds of the members elected to each house of the General Assembly, extend the time. It is usually extended from ten to thirty days. It meets in each odd year, as 1895, 1897, 1899.

92. House of Representatives.—The House of Representatives consists of members chosen every two years by the qualified electors of the several counties. No one shall be a representative who, at the time of his election, is not at least twenty-one years old, is not a citizen of the United States, and who has not been for two years next preceding his election a resident of the State, and for one year a resident of the county. Should a vacancy occur in any county's representation, the Governor appoints some one to fill such vacancy. (Art. 38.)

93. Apportionment of Representatives.—The constitution provides that no House shall ever be composed of less than seventy-three nor more than one hundred representatives. There are one hundred members in the House at present, apportioned among the several counties as follows:

1. Counties having one representative: Arkansas, Grant, Howard, Izard, Lafayette, Little River, Marion, Mississippi, Ashley, Baxter, Bradley, Boone, Carroll, Calhoun, Cleburne, Chicot, Clay, Craighead, Cleveland, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Fulton, Greene, Hot Springs, Jackson, Johnson, Lawrence, Lincoln, Madison, Miller, Monroe, Montgomery, Newton, Perry, Pike, Polk, Prairie, Randolph, Scott, Sharp, Stone, Van Buren, Nevada, Ouachita, Poinsett, Saline, Searcy, Sevier, St. Francis, Union, and Woodruff.

2. Counties having two representatives: Crawford, Conway, Hempstead, Lee, Lonoke, Benton, Clark, Columbia, Franklin, Garland, Independence, Logan, White, Phillips, Pope, and Yell.

3. Counties having three representatives: Jefferson, Sebastian, and Washington.

4. Pulaski is the only county having as many as four representatives.

94. Salary of Members.—The members of the General Assembly, representatives and senators, re-

ceive for their services the sum of six dollars per day, from the convening of the General Assembly until the final adjournment, and ten cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct route.

OFFICERS OF THE HOUSE.

95. The Speaker is chosen from the members of the House at the beginning of each session. The clerk of the House of the preceding session of the Assembly calls the House to order and presides until the speaker is elected and sworn in. The speaker receives \$8 per day while presiding over the House.

He is the second officer in the State in influence and power. He presides over the House, directs all business of legislation, preserves order and the dignity of the House, and decides such points of order as may be necessary. As almost all of the work of the Legislature, especially in making laws, is done or greatly matured by committees which are appointed by the speaker, his position is one of great importance and influence. Since he appoints so many committees, he can greatly shape legislation. He is called speaker because he speaks or declares the will of the House.

96. The Clerk of the House is elected by the representatives. With his clerical force, he performs all the duties required by the House, as the engross-

ing and enrolling of all bills. The law requires that all bills must be entered on the records in a plain and legible hand. For his services he receives \$6 per day. There are three assistant clerks, each of whom receives \$5 per day and are elected by the representatives.

97. The Journal Clerk.—The constitution requires each house to keep a journal of its proceedings; and from time to time to publish the same, except such parts as require secrecy; and the yeas and nays on any question, at the request of any five members, to be entered on the journal with the name of the individual so voting. The House elects one journal clerk and one assistant to perform this duty, each of whom receives \$5 per day.

98. The Chaplain of the House opens the daily sessions with prayer. He is elected by the House and receives \$5 per day for his services.

99. The Sergeant-at-Arms is elected by the House. He has one assistant. They each receive \$4 per day. The assistant sergeant-at-arms performs the duty of doorkeeper and postmaster of the House. The sergeant-at-arms is the ministerial and police officer of the House. He is to the House what the sheriff is to the courts. Under the directions of the speaker, he preserves order and executes all processes issued by the House or any of its committees. In case of disorder, the sergeant-at-arms, at the request of the speaker, bears through the House the mace, a staff

upon which an eagle is perched. This is intended to signify that if order be not restored the disturbing party will be forced to order by arrest.

100. The Pages.—The House elects as many pages as are deemed necessary. Pages are persons, usually boys, chosen to wait upon a congress or a legislature, as running errands. They receive \$2.50 per day. There are six pages in the House at present, selected and elected in the following manner: All of the representatives of each congressional district meet and decide upon some boy in their congressional district whom they think to be suitable to fill the office of page. The six boys of the several congressional districts are then nominated and elected by the House. The speaker usually just appoints the boys who are nominated by the representatives of the several districts, instead of going through a formal election.

101. Senate.—The Senate is composed of members chosen every four years by the qualified electors of the senatorial districts of the State as shown in Art. 102. No person shall be a senator who, at the time of his election, is not at least twenty-five years of age, is not a citizen of the United States, and who has not been for two years next preceding his election a citizen of the State and one year a citizen of the district where he may be chosen. Should a vacancy occur in the Senate, the Governor appoints some one to fill such vacancy. (Art. 38.)

The Senate is now composed of thirty-two mem-

bers, one elected from each senatorial district except the Tenth, the one in which Little Rock is located. From this one, two are elected. The constitutional provision is, that no Senate shall ever be composed of less than thirty nor more than thirty-five members.

102. Senatorial Districts.—The State is divided into thirty-one Senatorial districts, composed, respectively, of the following counties:

First—Greene, Craighead, Clay.

Second—Randolph, Lawrence, Sharp.

Third—Carroll, Boone, Newton.

Fourth—Johnson, Pope.

Fifth—Washington.

Sixth—Independence, Stone.

Seventh—Woodruff, St. Francis, Cross, Crittenden.

Eighth—Yell, Logan.

Ninth—Saline, Hot Springs, Grant.

Tenth—Pulaski, Perry.

Eleventh—Jefferson.

Twelfth—Lonoke, Prairie.

Thirteenth—Arkansas, Monroe.

Fourteenth—Phillips, Lee.

Fifteenth—Desha, Chicot.

Sixteenth—Lincoln, Cleveland, Dallas.

Seventeenth—Drew, Ashley.

Eighteenth—Bradley, Union.

Nineteenth—Calhoun, Ouachita.

Twentieth—Hempstead, Nevada.

Twenty-first—Columbia, Lafayette, Miller.

Twenty-second — Little River, Sevier, Howard,
Polk.

Twenty-third—Fulton, Izard, Marion, Baxter.

Twenty-fourth—Benton, Madison.

Twenty-fifth—Crawford, Franklin.

Twenty-sixth—Van Buren, Conway, Searcy, Cle-
burne.

Twenty-seventh—White, Faulkner.

Twenty-eighth—Sebastian, Scott.

Twenty-ninth—Poinsett, Jackson, Mississippi.

Thirtieth—Clark, Pike.

Thirty-first—Garland, Montgomery.

The Legislature has power to alter the above districts or to form new ones. Senatorial districts consist of contiguous territory, and no county is or shall be divided in the formation of a district.

OFFICERS OF THE SENATE.

103. President Pro Tem.—The Senate is said to be a continuous body—that is, organized and ready for business at all times. This is true only in a limited sense. Since the State has no one elected as a special lieutenant-governor, and since the constitution provides that the president of the Senate shall become Governor of the State in case of death, resignation, or removal of the Governor, it is therefore

necessary that there be a president of the Senate at all times. To meet this constitutional requirement, the Senate, just before adjourning, elects a president *pro tempore* (pro tem.), who holds his office until the convening of the next session of the General Assembly. He never presides over the Senate only in so far as is necessary to elect a president for that particular session of the Senate. Furthermore, it has been so arranged that the terms of office of all the senators do not expire at the same time, thus at all times a part of the Senate is experienced, sworn in and ready for duty.

104. President.—The president of the Senate is chosen from the members of the Senate. He presides over the Senate, directs the business, and preserves order. In case of death, resignation, or removal of the Governor, he becomes Governor of the State. He receives \$8 per day while presiding over the Senate.

105. Other Officers.—The Senate proceeds to elect the following officers in the same manner as did the House, with the same corresponding duties as in Arts. 95-100: One secretary, who receives \$6 per day; one journal clerk and two assistant secretaries, who receive \$5 per day; one chaplain, who receives \$5 per day; one sergeant-at-arms and one assistant, each of whom receive \$4 per day; four pages (at present), each of whom receives \$2.50 per day; and one janitor, who receives \$3 per day.

ORGANIZATION OF GENERAL ASSEMBLY.

Remark.—This article and the one following are placed here for reference on points of organization; although it should not be entirely omitted at any time, as many valuable points are found here not given elsewhere.

106. The House.—In order that the organization of both the House and the Senate may be thoroughly understood, we give in substance an extract from the journal of the House and also from the journal of the Senate showing the steps taken in the organization of one of the past General Assemblies:

“Promptly at 12 o’clock M. on the second Monday in January, the clerk of the last session of the lower house of the General Assembly called the House to order. On motion, a temporary speaker was chosen and a committee appointed to conduct him to the chair. The clerk then read the certificate of election of members from the Secretary of State. All of the members named in the above certificate of election went forward, four by four, and took and subscribed the oath of office, administered by the Chief Justice of the Supreme Court, and took their seats as members from their respective counties. On motion, the House proceeded to elect a speaker. Nominations being in order, seven persons were named. The clerk called the roll and the members continued

to vote until one nominee had a majority of all votes cast, whereupon he was declared duly elected speaker of the House of Representatives for the present session. A committee was appointed to conduct him to the chair. The speaker-elect took the oath of office, administered by the Chief Justice of the Supreme Court, returned thanks for the honor, and entered upon the discharge of his duty. The speaker announced that nominations were in order for clerk. Five persons were named. The roll was called and the vote taken and so continued until one person had a majority of all votes cast, whereupon he was declared clerk of the House. Going forward he took and subscribed the oath of office, administered by the Chief Justice, and entered upon the discharge of his duty. Nominations being in order now for the election of sergeant-at-arms, four persons were named. As above, they continued to vote until one person had a majority of all votes cast. He was declared duly elected sergeant-at-arms. He went forward, took and subscribed the oath of office, administered by the same Chief Justice, and entered upon the discharge of his duties. Nominations being in order, six persons were named for chaplain. They continued to vote until one person had a majority of all votes cast. The chaplain takes no oath of office."

In like manner as above the House continued to elect the assistant sergeant-at-arms, journal clerk and

his assistant, and three assistant clerks, all of whom went forward as soon as possible and took and subscribed the oath of office. The janitor and the pages were also elected in the same manner, but did not take the oath of office. They are never required to take the oath of office unless a more important duty be entrusted to them as, for example, having to act as postmaster.

“On motion, at 4:55 P. M., the House adjourned until 9:30 A. M. the following day.

“At 9:30 the House was called to order by the speaker, the roll was called, three members were excused for absence on the previous day, devotional exercises were conducted by the chaplain, and the journal was read and corrected. A committee of three was appointed by the speaker to notify the Senate of the organization of the House. Immediately a message was announced from the Senate. Whereupon the messenger appeared within the bar of the House and informed the body that the Senate was organized and ready for business. A committee of three was appointed from the House to accompany a committee of three from the Senate to inform the Governor of the organization of the two houses and that the General Assembly was ready to receive any communication he might see proper to make. The speaker announced the standing committees for the present session of the Legislature. (Art. 117.) The Senate

met the House in joint session to receive the Governor's message. A messenger being announced and admitted, the Governor's private secretary appeared within the bar of the House and read the message. As is required by law, both houses met again in joint session for the purpose of counting the ballots for State officers."

Such business as would naturally come up in the Legislature was in order from now until the close of the session. It is to be understood that many other things are considered during the time of organization; but the above are the things necessary to be acted upon at once, and is the plan at present of the general organization.

107. The Senate.—"At 12 o'clock, on the 2d Monday of January, the Senate was called to order by the president of the Senate, who was (and is now) elected at the close of the last session. The roll of members, holding over and newly elected, was called by the secretary of the last Senate. The certificate of election, from the Secretary of State, of new members was read. All newly elected members went forward and took and subscribed the oath of office, administered by the Associate Justice of the Supreme Court." The Senate then proceeded to the election of officers. The president, secretary, journal clerk, two assistant secretaries, chaplain, sergeant-at-arms and his assistant, pages and

the janitor, were nominated, voted for, elected, and took the oath of office just as they did in the House.

“A committee was appointed by the president to accompany a committee appointed by the speaker of the House to inform the Governor of the organization of the two houses. Another committee also was appointed by the president to inform the House of the organization of the Senate. Being notified that the House was ready for their reception, the Senate proceeded to meet the House in joint session to receive the Governor’s message. In a short time the Senate met the House again in joint session to count the votes of the State officials. In each case the president of the Senate called the House to order, and both sessions were held in the hall of the House of Representatives. The clerk of the Senate called the roll of the senators and the clerk of the House called the roll of the representatives. A quorum was found to be present. The president of the Senate announced the purpose of the joint session. When they met in joint session to receive the Governor’s message, his private secretary appeared within the bar and read the message, after which the joint session was dissolved. When they met in joint session to count the votes, after the president of the Senate announced the purpose of the meeting, the speaker of the House proceeded to open and publish the votes cast and given for the State officers. After the joint session was dissolved and the Senate reassembled, the president

of the Senate announced the standing committees for the present session of the General Assembly. (Art. 118.) Such business as would naturally come up was the order from now until the close."

Early in the session, each branch of the Assembly appoints a committee to draft rules and regulations by which the members are to be governed during the session. These committees report to their respective houses and such parts of the reports adopted as are deemed suitable for their government.

SPECIAL REQUIREMENTS OF THE GENERAL ASSEMBLY.

108. Bill of Rights.—The constitution of the State is based upon that of the United States, and in no case can there be a conflict. The State has all power except the few restrictions thrown around it by the United States Constitution. The constitution of the State contains a formal bill of rights. (See Art. 2, constitution.)

109. Amendments.—Either house may prepare amendments to the constitution, and, if the same be agreed to by a majority of all the members elected to each house, shall publish the amendments in at least one newspaper in each county, if there be one, at least six months immediately preceding the next general election for senators and representatives, at which time the same shall be submitted for approval or rejection. If a majority of the electors favor the amendment it

becomes a part of the constitution. Not more than three amendments shall ever be submitted at any one time. Five amendments have been made to the present constitution. The Assembly of 1897 proposed two. One is an amendment "Authorizing Railroad Commission"—that is, it gives to the General Assembly power to pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads, canals, and turnpike companies for transporting freight and passengers; the other is an amendment "Authorizing County Courts to Levy Road Tax"—that is, it gives to the levying court power to levy, in addition to the tax already levied, a tax, not exceeding three mills on the dollar, which shall be known as the County Road Tax. It is to be used for the purpose of making and repairing the public roads and bridges of the county.

These amendments were submitted to the electors for approval or disapproval, at the September election, 1898, and both amendments received a majority vote, and so became amendments to the constitution.

The Legislature of 1899 submitted (March 8th) to the electors of the State another amendment to the constitution, which will be voted upon at the September election in 1900. It provides that Art. 19, Sec. 21, remains just as it is, but have the following clause inserted immediately after it: "Provided, however, that any surety, bonding, or guaranty com-

pany, organized for the purpose of doing a surety or bonding business, and authorized to do business in this State, may become surety on the bonds of all State, county, and municipal officers under such regulations as may be prescribed by law.

110. Privileges of Members.—1. The members of the General Assembly are, in all cases except treason, felony, and breach of the peace, privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. No senator or representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

111. Disabilities of Members.—No person hereafter convicted of embezzlement of public money, bribery, forgery, or other infamous crime, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

112. Powers of the Legislature.—1. The Legislature has power to make all laws regulating the general affairs of the State, to pass special acts for particular localities not adjusted by general laws, to make all appropriations for the support of the State institutions, exhibits at fairs, and the payment of the officers, to create new counties, to adjust the matters of taxation, and to fix the salary of all county officers,

2. It also has power to compel the attendance of a sufficient number of members to constitute a quorum, which is necessary to transact business. A smaller number, however, can adjourn from time to time until the requisite number is obtained. A quorum consists of a majority of all the members elected to each house.

113. Powers Forbidden.—1. The privilege of the writ of *habeas corpus* shall not be suspended except, by the General Assembly, in case of rebellion, insurrection, or invasion, when the public safety demands it.

Habeas corpus is from two Latin words—*habeas*, “thou mayest have,” and *corpus*, the “body.” Any one in prison, claiming to be innocent or unlawfully detained, or the friend or relative of such a person, may apply to the judge of a court for a writ of *habeas corpus*. This writ directs the officer in charge of such person to bring the body of the prisoner into court at a certain time, not for trial but simply to test the legality of the imprisonment. If the person is found innocent, he is released at once; but if found guilty, he is remanded to prison. As a monument to the Magna Charta of A. D. 1215, stands the famous writ of *habeas corpus*. Under this writ, the strongest safeguard of our personal liberty, the poorest and humblest are exempt from imprisonment except upon legal grounds.

2. No law shall be passed whereby any one can be imprisoned for non-payment of debts except in case of fraud.

3. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate. A bill of attainder is an act of a legislature inflicting the penalty of death without a regular trial. An *ex post facto* law is one which fixes a penalty for acts done before the passage of the law, or which increases the penalty of a crime after it was committed.

4. No privileges or immunities shall be granted to any citizen or class of citizens which, upon the same terms, do not belong to all.

There are other forbidden powers, but it is not necessary to mention them here.

114. Passage of Bills.—No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas." This style is essential to the validity of an act.

115. Reading of Bills.—"Every bill shall be read at length on three different days in each house, unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless on its final passage the vote be taken by yeas and nays,

the names of the persons voting for and against the same be entered on the journal, and a majority of each house be recorded thereon as voting in its favor."

A bill may become a law in three ways in this State:

1. A bill having passed each house by a majority vote and signed by the Governor, becomes a law. All bills shall be presented to him for his approval or disapproval.

2. A bill having passed each house by a majority vote and vetoed by the Governor is returned to the house in which it originated with the Governor's objections. If reconsidered by each house and a majority of all members elected to each house vote for it again, it becomes a law.

3. A bill having passed each house and having remained with the Governor five days, Sunday excepted, becomes a law, unless the General Assembly, by its adjournment, prevents its return. In this case it will become a law unless it be filed, with the Governor's objections, in the office of the Secretary of State and made known by public proclamation within twenty days.

116. Committees.—When a bill is introduced it is generally referred to a committee for special or critical consideration. The committee reports it "favorable" or "unfavorable," and recommends that it should be passed or should not be. Bills may be re-

ported without an expression. If a bill be filed away by a committee and never reported it is said to be "pigeon-holed." The report of committees, being frequently adopted, has quite a bearing upon legislation.

Committees are of two kinds: Standing committees, appointed for the entire session, and special committees, appointed for special purposes, and as soon as the report is made, discharged.

117. Committees of the House.—Early in the session, the speaker appoints from the members of the House the following standing committees, consisting of from three to twelve members: Judiciary, Auditor and Treasurer's Books, Militia, Insurance, Education, Internal Improvements, Ways and Means, Agriculture, County and County Lines, Railroads, Roads and Highways, Enrolled Bills, Engrossed Bills, Journal, Elections, Public Printing, Penitentiary, Apportionment, Claim, Memorials, Public Buildings, Public Expenditures, Federal Relations, State Lands, Circuit and Justices' Courts, County and Probate Courts, Cities and Towns, Immigration, State and Charitable Institutions, and Retrenchment.

118. Committees of the Senate.—The president of the Senate appoints the following standing committees, consisting of from three to twelve members: Judiciary, Franchise, Militia, Education, Railroad and other Improvements, Agriculture, County and County Lines, Public Roads, Elections, Public Printing, Public Buildings, Memorials, Public Expenditures, Fed-

eral Relations, State Lands, Auditor and Treasurer's Books, Claims, Engrossed Bills, Corporations, Penitentiary, Public Charities, and Public Health.

119. Amendment to a Bill.—A bill passed by one house may be amended by the other, but, if amended, must be returned with the amendment to the house in which it originated, in order that the amendment may be considered. If one house amends and the other refuses, the bill is lost.

The Legislature cannot revise, amend or extend any law in its provisions by simply mentioning the title thereof. The part to be amended or revised must be re-enacted and published at length.

120. New Bills.—During the last three days of the session of the Assembly no new bill can be introduced.

121. Laws Take Effect as soon as approved by the Governor; if vetoed, as soon as passed again, unless the bill designates a certain time.

122. Adjournment.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

123. Impeachment.—The House of Representatives has the sole power of impeachment. The Senate sits as a jury. The Chief Justice presides unless being impeached, then the Senate elects a presiding officer. (Read Art. 15 of the constitution for officers subject

to impeachment and the number of senators required to convict.)

124. Appropriations.—The General Assembly, just before adjourning, makes such appropriations as are necessary to defray the expenses of the State for two years. A separate bill setting forth the amount and object of each appropriation must be passed, except the general appropriation, which includes the expenses of the Legislative, Judicial and Executive Departments. For all purposes, except to defray the necessary expenses of the State, to repel invasion, to suppress insurrection, to pay the debts of the State and to defray the expenses of the public schools, a two-thirds vote is required. Of course, there are many other appropriations, but the following are usually made and most of them have to be made: Appropriations for Legislative, Judicial, and Executive Departments, Contingent Fund for use of State Board of Health, County Normal Institutes, Lunatic Asylum, Industrial University, School for the Blind, Newspapers and Stamps for General Assembly, Pensions for ex-Confederate Soldiers, Deaf Mute Institute, and ex-Confederates' Home.

REVIEW QUESTIONS.

1. Give the three divisions of State government. 2. What kind of government is that of our State? 3. In what is the legislative power of the State vested? 4. How long has this idea existed, and what is the object? 5. When does the General Assembly meet and how long does it continue in

session? 6. Give time of next meeting. 7. Give term of office and qualifications of representatives. 8. How many representatives from your county and what are their names? 9. Give compensation of members. 10. Tell all you can about (1) the speaker, (2) the clerk of the House, (3) the journal clerk, (4) the chaplain, (5) the sergeant-at-arms, (6) pages, and (7) the janitor. 11. How many representatives and senators are there? 12. Give maximum and minimum numbers of each. 13. How is the Senate composed? 14. Give number of senatorial district in which you live and name of your senator. 15. How often are senators elected, and what are the qualifications? 16. Why is the Senate a continuous body? 17. Who takes the Governor's place in case of death, resignation, or removal? 18. Mention all the officers of the Senate and give duties and salary of each. 19. At what time is the House and Senate called to order? 20. What is done first? 21. How are members sworn in? 22. Explain how all the officers are elected. 23. Are they all sworn in? 24. Explain the organization of the Senate. 25. What is said about the rules of order? 26. Mention five rights set forth in the Bill of Rights. 27. How may an amendment be made to the constitution? 28. Give two proposed amendments. 29. How many amendments have been made to the constitution? 30. Mention one. 31. What renders a person ineligible to membership in the General Assembly? 32. What constitutes a quorum? 33. Give some of the powers of the Legislature. 34. Give some of the forbidden powers. 35. What is meant by *habeas corpus*? 36. Of what value is it to the people? 37. What is a bill of attainder? 38. An *ex post facto* law? 39. What is the style of the laws of Arkansas? 40. How often does a bill have to be read? 41. In how many ways may a bill become a law? 42. Give them. 43. What is the object of the committees? 44. Mention six standing committees of the House and six of the Senate. 45. If a bill be passed by one house and amended by the other, what is necessary? 46. When cannot

a bill be introduced? 47. When do all laws take effect? 48. If either house wishes to adjourn for more than three days, what must be done? 49. Give officers that are subject to impeachment and tell how it is done. 50. Mention all the facts relative to appropriations.

CHAPTER VI.

The State.

(CONTINUED.)

JUDICIAL DEPARTMENT.

125. Terms Defined.—In order that the court system of our State may be clearly understood, we explain all terms used in the explanation first.

The courts of the State may be divided into two general divisions: (1) Courts of Records; (2) Courts of No Records. A court of records is one having a judge, clerk, and a sheriff, and one that has an accurate and a complete statement of all of its proceedings placed on record by the clerk. As the word implies, it simply means that all of its proceedings are recorded for future reference. The county, probate, and circuit court are good examples of courts of records. A court of no records is one having no judge, sheriff, or clerk, and has no record of its proceedings kept. The justice's court is a good example of a court of no records. The justice of the peace simply keeps a

docket for his own purpose and makes a minute of just such proceedings as will enable him and others in the discharge of their duty.

126. Appellate Jurisdiction is the power vested in a particular court enabling it to try any case after it has been tried in an inferior or a lower court. Thus the circuit court has appellate jurisdiction over the county, probate, and the justices' courts. By this we mean that any case tried in the foregoing courts and not satisfactory to all the parties concerned, by a due process of law may be re-tried in the circuit court.

127. Courts.—The judiciary system of the State at present is vested in the following courts: Justice's Court, County and Probate Courts, Circuit Court, Chancery Court or Court of Equity, Court of Common Pleas, Supreme Court of the State, and the United States District Court.

128. Justice's Court.—Justices' Courts were created for the purpose of relieving the higher courts of a multiplicity of minor offences (see Art. 14) and to decrease the expenses of the Judicial Department. The expense of a court depends largely upon the length of time of its sitting, and by the aid of the justices' courts these terms are much shorter than they would be otherwise. They are also very helpful and necessary in that justice may be rendered at once, without having to wait perhaps six months for the circuit court to convene.

129. County and Probate Courts.—The county and probate courts have been explained under the head of the Judicial Department of the county. (Arts. 44-50.) I will state, however, in connection with these articles, that appeals are taken from the county and probate courts to the circuit court.

CIRCUIT COURT.

130. Judicial Circuits.—The State has been divided into seventeen divisions, called Judicial Circuits. These are composed of contiguous counties, and at present are, respectively, as follows:

First—Woodruff, White, St. Francis, Lee, and Phillips.

Second—Mississippi, Clay, Greene, Craighead, Poinsett, Cross, and Crittenden.

Third—Independence, Lawrence, Stone, and Jackson.

Fourth—Benton, Carroll, Madison, and Washington.

Fifth—Yell, Conway, Pope, and Johnson.

Sixth—Pulaski and Perry.

Seventh—Hot Springs, Grant, Saline, and Garland.

Eighth—Clark, Nevada, Hempstead, and Miller.

Ninth—Montgomery, Polk, Sevier, Little River, Howard, and Pike.

Tenth—Chicot, Ashley, Drew, Cleveland, Dallas, and Bradley.

Eleventh—Lincoln, Desha, and Jefferson.

Twelfth—Scott and Sebastian.

Thirteenth—Columbia, Union, Calhoun, Ouachita, and Lafayette.

Fourteenth—Newton, Boone, Searcy, Marion, Van Buren, and Cleburne.

Fifteenth—Logan, Franklin, and Crawford.

Sixteenth—Randolph, Sharp, Fulton, Izard, and Baxter.

Seventeenth—Arkansas, Monroe, Faulkner, Lonoke, and Prairie.

131. Circuit Judge.—In each of the above circuits a judge is elected by the qualified electors of the counties composing each district. He is elected for a term of four years, and receives a salary fixed by law, being now \$2,000 a year. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law or sat as judge and practiced law six years. He goes to each county in his district twice each year and holds his court such a length of time as is necessary to complete all the business of the court, or until it becomes necessary to adjourn in order to hold his court in another county.

132. Jurisdiction.—The circuit court has original jurisdiction in all cases, both civil and criminal, the exclusive original jurisdiction of which has not

been vested in some other courts. It exercises superintending control and appellate jurisdiction over the county, probate, common pleas, justices', and police courts. It has power also to issue writs of *certiorari* to any of the lower courts or tribunals—that is, a writ of *certiorari* to an inferior court simply means that such court must bring the records of its proceedings into the higher court issuing the writ; and to issue a writ of *mandamus* under certain circumstances. This is a writ to compel the performance of some act. As a court of equity, it has power to grant divorces, change the name of an individual, foreclose mortgages, and naturalize aliens, or foreigners. (See Art. 133.)

It is a very important court, as it is next in power to the supreme court of the State, and yet it is held at our own homes—one or two held in each county.

133. Naturalization.—The circuit court has power to naturalize foreigners. Subjects of foreign governments are aliens and have no political rights whatever in the United States until given such power by legal proceedings. After naturalization, one has all the rights and privileges of a native-born citizen, except the right to become President or Vice-President of the United States.

134. Naturalization Laws.—An alien may be admitted to become a citizen of the United States in the following manner: He appears in the circuit court, or any court of records, and, on oath, declares his

intention to become a citizen of the United States, and his purpose to renounce all allegiance and fidelity to any foreign prince, potentate, or sovereignty. He must state further that he has been a resident of the United States five years and a resident of the State in which the court has jurisdiction at least one year. After two more years he appears in court again and renounces, on oath, all foreign allegiance and swears to support the Constitution of the United States. If he bears any title of nobility, he must renounce it.

135. Division of Districts.—There are two circuit judges in the Sixth Judicial Circuit. One hears the criminal, the other the civil cases. The second division was created February 8, 1895. A judge was appointed February 12, 1895.

136. Prosecuting Attorney.—The qualified electors of each judicial circuit elect a prosecuting attorney for the term of two years. He shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected. His salary is \$200 a year and the following fees:

For each judgment obtained on complaint, information or otherwise, in the name of the State or any county, \$5; for each conviction or indictment, presentment or information for misdemeanor or breach of the peace, \$10; for each conviction in case of gambling, \$25; for each conviction on indictment for any felony, not capital, \$25; for each conviction of homi-

cide, other than capital, \$35; for each conviction in capital cases, \$75.

137. Duties.—The prosecuting attorney is a lawyer chosen in the interest of the State. It is his duty to attend each term of the circuit court and commence and prosecute actions, both civil and criminal, in which the State, or any county in his circuit, may be concerned. In fact, he is the prosecuting lawyer in all cases brought in the circuit court, in which either the county or the State is plaintiff or defendant. If it be required of him, he shall, without fee or reward, give his opinion to any sheriff, constable, justice of the peace or county court, on any question of law or other matters in which the State or county is concerned.

138. Deputy Prosecuting Attorney.—The prosecuting attorney may appoint deputies in the several counties composing his circuit, whose duties shall be to attend all trials before the magistrates of their county, where the offence is a misdemeanor or the examination of a felony, if so informed by the magistrate of such case. They are allowed the same fees for conviction as are allowed the prosecuting attorney. (See Art. 136.)

139. Officers of Circuit Court.—The Circuit Judge (Art. 131), Prosecuting Attorney (Art. 136), Circuit Clerk (Art. 52), Sheriff (Art. 57), and Attorneys who are enrolled, are officers of the circuit court.

140. Jury.—The jury is an important factor in the circuit court and, in fact, in all of the courts. The principle has been so grounded into the American people that we consider it a privilege that should not be taken away even from the boldest criminal. It is of great antiquity. The Grand Jury, not in name but in idea, existed among the Romans, known as the “Prætor,” and the Petit Jury, more fully developed among the Anglo Saxons and others, was known among the Romans as the “Judex” or “Arbiter.”

141. Grand Jury.—It is the duty of the grand jury to inquire into all public offences committed within the jurisdiction of the court in which they are impaneled. This is done by bringing before the grand jury all persons suspected of crime or any person as a witness whom they believe to know something concerning any public offence. If no less than twelve of these jurors be convinced that any person has committed an unlawful act, they must indict him. This is done by returning to the court “a true bill.” The grand jury is composed of sixteen men, selected as explained in Art. 143.

142. Petit Jury.—The petit jury consists of two panels of twelve men each, or twenty-four petit jurors in all, and are selected as explained in Art. 143. One panel of the petit jury at a time is taken into court and placed on oath. When a case is called, they hear the testimony of the witnesses, the argument of the attorneys, receive the instructions of the

judge, pass out to the jury-room, and there decide as to the guilt or innocence of the party indicted by the grand jury. After this they return, and in the presence of the court the foreman of the jury states the verdict.

143. Selection of Jury.—The circuit judge, during the term of court, selects three jury commissioners, each of whom receives \$3 a day for their services. They select from the electors of the county sixteen persons of good character, of approved integrity, sound judgment and reasonable information, to serve at the next term of court as grand jurors. They select another list, kept separate from this one, consisting of nine more, known as alternate grand jurors. They select also twenty-four persons, having the same qualifications as the grand jurors, to serve at the next term of court as petit jurors; also, at the request of the judge, they select another list consisting of twelve persons as alternate petit jurors. These lists, endorsed, respectively, "List of Grand Jurors" and "List of Petit Jurors," are sealed and delivered to the judge in open court. The judge delivers these lists to the circuit clerk, who takes oath to the effect that he will not open the lists until within thirty days before the next term of court. The lists are then opened and delivered to the sheriff, who notifies each person that he has been chosen as a juror.

The alternate jurors are selected for the purpose of supplying such deficit as there may be in either

jury. As soon as the juries have all been impaneled the alternates are discharged.

Each juror receives \$2 a day; each alternate \$2 a day until discharged. Witnesses receive each \$1.50.

CHANCERY COURT.

144. Object.—Since it is impossible for any State to have a code of laws perfect and suitable in every respect to cover all causes, cases, and circumstances, and since our judges, jurors, and justices are supposed to base their decisions and actions upon law and evidence, therefore it becomes necessary that some provisions be made to supply the deficiency. The Chancery Court, or Court of Equity, was created for this purpose. Court of Equity expresses the idea much better. It simply means a court based on the principle of equity, right, justice. Two citizens often disagree in a business transaction. They agree to lay the matter before three disinterested men and abide by their decision. These men try to decide as nearly as possible according to what is just and right under the circumstances. This is the fundamental principle of the chancery court, or court of equity. This court has power, also, to grant a divorce, to foreclose a mortgage, to make an assignment, etc.

145. Chancery Districts.—There are four chancery districts in the State—First, Second, Third, and Fifth—composed, respectively, of the following counties:

First—Pulaski, Lonoke, Faulkner, and White.

Second—Drew, Arkansas, Ashley, Desha, Chicot, Jefferson, and Lincoln.

Third—Garland, Hot Springs, Saline, and Montgomery.

Fourth—A bill was introduced to create the Fourth chancery district; another bill was introduced immediately to create the Fifth: the bill to create the Fourth was lost, but the one to create the Fifth passed. So we have the Fifth, but no Fourth.

Fifth—Mississippi, Crittenden, Cross, St. Francis, Woodruff, Poinsett, Lee, Greene, Phillips, Craighead, and Clay.

146. The Chancellor.—In each of the above chancery circuits the Governor appoints a judge who is known as the chancellor. He must possess the same qualifications as the circuit judge. He receives from \$2,000 to \$2,500 a year for his services.

147. Circuit Judge as Chancellor.—The above chancery districts have been created by the Legislature and are known as special districts. There is a chancery court in each county, however, held in conjunction with each term of the circuit court, the circuit judge being chancellor.

COURT OF COMMON PLEAS.

148. Object. —The Legislature has power to establish in any county a Court of Common Pleas. The jurisdiction of this court is more extensive than the

justice's court and not so extensive as the county or circuit court. It occupies an intermediate place, the object being to decrease the amount of business before and shorten the term of the circuit court. The county judge presides over the court; but receives extra pay for his services.

SUPREME COURT.

149. Judges.—The Supreme Court is composed of five judges, one chief justice and four associate justices. They shall be thirty years of age, of good moral character, citizens of the United States, residents of the State two years, and shall have practiced law for eight years. They each receive \$3,000 a year. They are elected by the people and serve for the term of eight years.

150. Other Officers.—The supreme court appoints a clerk, who holds his office for a term of six years. Before entering upon the discharge of his duty, he enters into bond in a sum not less than \$3,000 for the faithful performance of duty. The General Assembly of 1895 fixed the salary of the clerk of the supreme court at \$2,500. It is the duty of the clerk to record the proceedings of the court together with its opinions, to issue and attest all processes, and to affix the seal of the court. He may appoint two deputies, whose salaries were fixed also by the Assembly of 1895. One receives \$1,500 a year and the other \$1,000.

The reporter is appointed also by the Supreme Court

and holds his office for the term of six years. He receives \$2,000 a year. He prepares a statement of the facts in the causes, after the opinions are delivered, and prints the same with the reports of the causes decided by the court. He superintends the printing and binding of all of these reports.

In addition to the above officers, the court appoints a librarian, who has charge of the court library. It is his duty to increase this library by purchasing such books as the court may direct, to preserve the books, and keep the library in order.

The sheriff of Pulaski county waits upon the Supreme Court.

151. Jurisdiction.—"The supreme court, except in cases otherwise provided by the constitution, shall have appellate jurisdiction only; which shall be co-extensive with the State, under such restrictions as may be from time to time prescribed by law. It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of error, and *supersedeas*, *certiorari*, *habeas corpus*, prohibition, *mandamus*, and *quo warranto*, and other remedial writs; and to hear and determine the same. Its judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs." (Sec. 1014, S. & H.)

The decisions of the Supreme Court are final.

L. of C.

152. Definitions.—For *habeas corpus* see Art. 113; for *mandamus* and *certiorari* see Art. 132. A writ of *supersedeas* has in general the effect of a command to stay or forbear any ordinary proceedings which might otherwise be proceeded with. Good cause must be shown, of course, before this writ is issued. A writ of *quo warranto* is one for information, inquiring by what guarantee, warrant, or authority a person, a corporation, or a court exercises certain powers.

REVIEW QUESTIONS.

1. Explain Courts of Records and Courts of No Records.
2. What does appellate jurisdiction mean?
3. Give each court of our judicial system.
4. From what courts may appeals be taken to the circuit court?
5. In what judicial circuit is your county?
6. Give qualifications and election of circuit judge.
7. What is the jurisdiction of the circuit court?
8. What is meant by naturalization, and how is it done?
9. May there be two judges in one district?
10. Give qualifications of prosecuting attorney.
11. What are his duties?
12. Give duty of deputies.
13. Explain the difference between the grand jury and the petit jury.
14. How is the jury selected?
15. What is the object of alternate jurors?
16. Explain the chancery court.
17. Is your county in a special chancery district?
18. How many chancery districts in the State?
19. What is a chancellor?
20. Is there a chancery court in your county?
21. Give the names of the officers of your circuit court.
22. Explain a court of common pleas.
23. Is there one in your county?
24. How is the supreme court composed?
25. Give the offices of the supreme court and tell how they are filled.
26. How are the judges chosen and how long do they hold office?
27. Who

are our supreme court judges and when do their terms expire? 28. What is the jurisdiction of the supreme court? 29. What is meant by a final decision? 30. Explain *habeas corpus*, *mandamus*, *certiorari*, *supersedeas*, and *quo warranto*. 31. What compensation do jurors receive? 32. Why are they selected from all parts of the country? 33. What is a civil and what a criminal suit? 34. Give an example of a case that should be brought in each of the following courts: Justice's, common pleas, probate, county, chancery, circuit, and supreme. 35. Do you think it would be better to have judges elected for eight years as they are, or for life as the supreme judges of the United States? 36. Why are the three departments of government kept separate? 37. When do they most nearly approach? (The Governor has veto power and is an executive officer.) 38. Why have we the Fifth chancery district and no Fourth?

CHAPTER VII.

The State.

(CONTINUED.)

EXECUTIVE DEPARTMENT.

153. General Provisions.—The Executive Department of the State consists of a Governor, Secretary of State, Treasurer, Auditor, and Attorney-General. The constitution gives the General Assembly power to add to the above executive State officers a Commissioner of Lands, a Commissioner of Mines, Manufactures and Agriculture, a Superintendent of Public Instruction, and a State Geologist. The Assembly has made provisions for all.

All of the above officers are required by law to keep their offices in person at the seat of government.

154. Election.—The State executive officers are elected by the qualified electors of the State for the term of two years, at the time and places of voting for members of the General Assembly, which is now on the first Monday in September of each even year, as 1896 and 1898. The returns of each election are

sealed up separately and transmitted to the seat of government by the returning officer, and directed to the speaker of the House of Representatives, who, during the first week of the session, opens and publishes the votes cast for each of the respective officers of the State, in the presence of both houses. The person having the highest number of votes for each of the respective offices is declared duly elected. But if two or more be equal and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses. A majority of all the members elected is necessary to a choice.

GOVERNOR.

155. Qualifications.—The supreme executive power of the State is vested in a chief magistrate, styled the Governor of Arkansas. No person is eligible to the office of Governor except a citizen of the United States, who is not less than thirty years of age, and has been seven years a resident of the State. (For election and term of office, see preceding article.)

156. Powers and Duties.—1. The Governor is commander-in-chief of the military and naval forces of the State, except when in the actual service of the United States.

2. He gives to the General Assembly, from time to time, information by message concerning the condition and government of the State, and recommends such measures as he deems expedient.

3. He keeps and uses officially a seal of the State, called the "Great Seal of the State of Arkansas."

4. He signs all grants and commissions issued in the name and by the authority of the State of Arkansas, sealed with the great seal and attested by the Secretary of State.

5. In addition to his appointive power (see Art. 38) he has power to appoint the members of the board of equalization in each county, of health, of pharmacy, of dental examiners, and of medical examiners; by and with the consent of the Senate, he has power to appoint the members of the Board of the Arkansas Industrial University and of all the charitable institutions and the directors of the ex-Confederates' Home. He has power to appoint a United States senator, if a vacancy should occur when the Legislature is not in session, who holds the office until the next Assembly convenes and fills such vacancy by election.

6. The Governor may adjourn the Assembly if the two houses fail to agree upon a time for their adjournment.

7. He calls extra sessions of the General Assembly. When doing so, he states the object of the extra session. By a two-thirds vote the session may be continued fifteen days, for the consideration of other business, after the matters set forth in the Governor's proclamation have been disposed of.

8. In all criminal and penal cases, except in those

of treason and impeachment, the Governor has power to grant reprieves, commutations of sentence and pardons, after conviction. In case of treason he has power to grant pardons by and with the advice and consent of the Senate.

9. He requires a written report from each of the State officers concerning his individual branch of work.

157. Salaries of Officers.—The following salary is paid annually to each of the State officers:

Governor	\$3,000
Governor's Private Secretary.....	1,600
Governor's Clerk	900
Governor's Janitor	240
Secretary of State.....	1,800
Secretary of State's first Clerk.....	1,500
Secretary of State's second Clerk.....	1,200
Secretary of State's Library Clerk.....	1,200
Secretary of State's Janitor.....	240
Auditor	2,250
Auditor's Chief Clerk.....	1,800
Auditor's second Clerk.....	1,500
Auditor's two extra Clerks, each.....	1,200
Auditor's Printing Clerk.....	1,200
Auditor's Janitor	240
Treasurer	2,250
Treasurer's Cashier	1,800
Treasurer's Bookkeeper	1,500

Treasurer's two Clerks, each.....	1,200
Treasurer's Janitor	240
Attorney-General (Act of 1899).....	2,500
Attorney-General's Clerk hire allowance....	1,600
Commissioner of State Lands.....	1,800
Commissioner of State Lands' Chief Clerk...	1,560
Commissioner of State Lands' three Clerks, each	1,200
Commissioner of State Lands' extra Clerk...	1,000
Commissioner of Mines, Manufactures and Agriculture	1,800
He has one deputy.....	1,200
Superintendent of Public Instruction.....	1,800
Superintendent of Public Instruction's Deputy	1,200
Superintendent of Public Instruction's Clerk	600
Superintendent of Public Instruction's Janitor	240

158. Governors of Arkansas.—The governors of Arkansas, from its earliest history to the present, are as follows:

1. Under French Rule—Marquis de Sanville from 1689-1700; Bienville, 1701-12; Lamothe Cadillar, 1713-15; De L'Epinay, 1716-17; Bienville, 1718-23; Boisbriant (ad interim), 1724; Perier, 1725-31; Bienville, 1732-41; Marquis de Vaudreuil, 1742-52; Baron de Kelerec, 1753-62; D'Abbadie, 1763-66.

2. Under Spanish Rule—Antonio de Ulloa, 1767-68; Alexander O'Reilly, 1768-69; Luis de Unzaga,

1770-76; Bernando de Galvez, 1777-84; Estevan Miro, 1785-87; Francisco Luis Hortu, Baron of Carondelet, 1789-92; Gayoso de Lemos, 1793-98; Sebastian de Casa Calvo y O'Farrell, 1798-99; Juan Manual de Salcedo, 1800-03.

3. Under Territorial Government—James Miller from 1819-25; George Izard, 1825-29; John Pope, 1829-35; William S. Fulton, 1835-36.

4. Under State Government—James S. Conway from 1836-40; Archibald Yell, 1840-44; Thomas S. Drew, 1844-49; John Selden Roane, 1849-52; Elias N. Conway, 1852-60; Henry M. Rector, 1860-62; Thomas Fletcher (acting), 1862; Harris Flanagan, 1862-64; Isaac Murphy, 1864-68; Powell Clayton, 1868-71; Ozro A. Headley (acting), 1871-73; Elisha Baxter, 1873-74; Augustus H. Garland, 1874-77; Wm. R. Miller, 1877-81; Thomas J. Churchill, 1881-82; James H. Berry, 1883-85; Simon P. Hughes, 1885-89; James P. Eagle, 1889-93; W. M. Fishback, 1893-95; J. P. Clarke, 1895-97; Dan W. Jones, 1897-99.

159. Executive Mansion.—The State furnishes the Governor a mansion in which to live during his term of office. No mansion has been built yet, but the State rents one and furnishes it to him. The rent is paid out of the fund for current expenses of the State.

SECRETARY OF STATE.

160. Requisites.—For election and term of office see Art. 154, and for salary see Art. 157. Before entering upon the discharge of his duties he enters into bond for \$5,000, which must be approved by the Governor.

161. Duties.—He keeps all public records, books, papers, and documents; furnishes to the public printer a full, thorough and complete index, with sub-heads, to the acts of the General Assembly; keeps a record of all the official acts of the Governor; attests all commissions issued by the Governor requiring the great seal; distributes the acts and journals among the different counties according to law; sells or disposes of all books or reports published by the State; and issues all charters granted by the State. He is custodian of the State-house and grounds, and is librarian for the State library.

AUDITOR.

162. Requisites.—For election and term of office, see Art. 154, and for salary, see Art. 157. Before entering upon the discharge of his duties he enters into bond for the faithful discharge of his duties in the sum of \$100,000, which must be approved by the Governor.

163. Duties.—He is required by law (1) to keep a letter-book in which he must keep a copy of all

official letters written by him; (2) to be the general accountant of the State, and to keep all public accounts, books, documents, and all papers relative to the contracts of the State, its debts and revenues, not required by law to be kept by some other officer; (3) to report to the Governor, on or before the 10th day of October next preceding the regular meeting of the General Assembly, the condition of the revenue and the amount of the expenditure for the two preceding fiscal years; (4) to make an estimate of the revenues and the amount of expenditures for the two succeeding years; (5) to make or suggest any plans that might be expedient for the support of the public credit, or for lessening the public expenses; (6) to settle all claims against the State payable out of the treasury; (7) to keep an account between the State and the United States, and between the State and every officer or person with whom the State may have dealings; and (8) to draw warrants on the treasurer for all lawful claims against the State. The auditor directs the payment of all the funds of the State; the treasurer handles the money and pays as the auditor directs.

TREASURER.

164. Requisites.—For election and term of office, see Art. 154, and for salary, see Art. 157. Before entering upon the duties of his office he enters into bond in the sum of \$600,000. This bond must be approved by the Governor.

165. Duties.—As the name implies, he is custodian of the money belonging to the State. No money is paid out by him except upon the auditor's warrant. He makes a biennial report, in which he must account for all money received and how disposed of.

It is unlawful for the treasurer to deposit any of the public money in any bank or banking-house, or with any firm or corporation. He must keep it in the vault and safe of the State provided for that purpose. It is a violation of law for any officer having charge of public money to use it for himself or to let others use it. It is not only a violation for the officer to loan the money, but it is a violation for any one to borrow it.

ATTORNEY-GENERAL.

166. Duties.—The Attorney-General shall, without fee or reward, upon request, give his opinion to the Governor and to the heads of the several executive departments upon any constitutional or other legal questions that concern their official actions; also, shall transmit his written opinion to the prosecuting attorney of any circuit if such prosecuting attorney so asks it. He is the legal adviser of the State officers. He attends the sittings of the supreme court and maintains and defends the interests of the State in all matters before that tribunal, and has full power to issue writs of *quo warranto*. (For election and term of office, see Art. 154, and for salary, see Art. 157.)

COMMISSIONER OF STATE LANDS.

167. Requisites.—Before entering upon his official duties he enters into bond in the sum of \$20,000. This bond must be approved by the Governor. (For election and term of office, see Art. 154, and for salary, see Art. 157.)

168. Duties.—As the name implies, he has charge of the sale and disposal of all State lands. All land interests of the State are controlled by him. He may sell the land or permit it to be taken up under the homestead law. It is his duty to encourage immigration in any way he may deem expedient. In 1868, when the office was first created, it was known as "Commissioner of Immigration and State Lands," but in 1874 it was succeeded by "Commissioner of State Lands." To encourage immigration is a duty, however, still belonging to the office.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

169. General Duties.—The office of Superintendent of Public Instruction was created in 1868. He is charged with the general superintendence of the business relating to the free common schools of the State. His duties are of vital importance to the people and the welfare of the State. It is his duty to study the school system and suggest such plans, both to the Legislature and to the county examiners, as in his opinion would be helpful to the educational work of

the State. He furnishes to the county examiners questions for the examination of teachers, and transmits to them registers, blank certificates for each grade of certificate, and all other blanks necessary to aid the examiner and directors in making their reports; he exercises such supervision over the school funds as to ascertain the amount and disposal made of it, its security, preservation, proper application, and its most productive use. He has power to issue a State certificate, good for life unless for some cause revoked. The applicant must pass a satisfactory examination upon the following branches in addition to those required for a first-grade certificate (Art. 78): Algebra, Geometry, Physics, Rhetoric, Psychology, History (usually Ancient, Mediæval, and Modern), Civil Government of the United States and of Arkansas, Latin (usually Latin Grammar, Cæsar, Cicero, and Virgil), Natural History (usually Zoology and Botany). He may attend in person and give the examination or appoint some one to do it. He makes the *pro rata* apportionment of the public-school money to the several counties (see Art. 19); makes an annual report to the Governor containing all the facts concerning the public schools of the State; compiles and furnishes copies of the school law to the school officers, and appoints persons to conduct the State normals held in the various counties of the State. (For election and term of office, see Art. 154, and for salary, see Art. 157.)

170. The following are the State superintendents of the State and when they served: Thomas Smith, from 1868-73; J. C. Corbin, 1873-75; George W. Hill, 1875-78; J. E. Denton, 1878-82; Dunbar H. Pope, October 11-30, 1882; W. E. Thompson, 1882, 90; J. H. Shinn, 1890-94; Junius Jordan, 1894-98; J. J. Doyne, 1898—.

COMMISSIONER OF MINES, MANUFACTURES, AND AGRICULTURE.

171. Requisites.—For election and term of office, see Art. 154, and for salary, see Art. 157. Before entering upon the duties of his office he enters into bond in the sum of \$10,000, which must be approved by the Governor.

172. General Duties.—It is his duty to elicit information upon the latest and best mode of culture of all products adapted to the soil and climate of the State; to collect information on all subjects connected with field agriculture, horticulture, stock-raising, and dairying; to collect and distribute rare kinds of seeds throughout the State, and to recommend the use of such labor-saving implements as in his opinion would be helpful to the people. He is required, also, to elicit information concerning all individuals, companies, or incorporations engaged in mining or manufacturing in the State. He ascertains as nearly as possible the kind of mineral and the extent of deposit, output, cost of production, and the facilities for trans-

portation. He is expected to do all he can to augment the mining, manufacturing, and agricultural interests of the State.

GEOLOGIST.

173. Vacant.—The General Assembly made provision for a State geologist, but at present there is none. The law provides that he shall be appointed by the Governor. When it becomes necessary to have any work of a geological nature done the Governor appoints some one, paying him such compensation as may be agreed upon. After such duties have been performed he is then discharged.

STATE EXECUTIVE BOARDS.

174. Members.—The executive officers are members of various executive boards. The officers' powers and duties are as follows:

1. The Board of Commissioners of the Common-School Fund consists of the Secretary of State, Auditor, and Superintendent of Public Instruction. It is the duty of this board to meet semi-annually at the office of the State Superintendent, to have the management and investment of the common-school fund belonging to the State, and from time to time to invest, with good security, such funds as may accumulate, in bonds of the United States or the State of Arkansas.

2. The Board of Municipal Corporations consists of the Auditor, Secretary of State, and Attorney-General. It is the duty of this board to ascertain the class of cities and what towns are entitled to become cities and the class. This is ascertained from the Federal census.

3. The Board of Review of Donation Contests consists of the Secretary of State, Attorney-General, and State Land Commissioner. It is the duty of this board to see that the donee of any lands establishes a residence upon the same within the time required by law, and to settle the contest between persons claiming the same piece of land by donation.

4. The Board of Railroad Commissioners consists of the Governor, Secretary of State, and Auditor. On the first Monday in August in each year this board proceeds to ascertain the value of all property, including railroad tracks, rolling stock, water and wood stations, passenger and freight depots, offices, furniture, etc., of all the railroads within the State.

5. Board of Penitentiary Commissioners consists of the Governor, Secretary of State, and Attorney-General. This board has the management of the State penitentiary, labor of convicts, machinery, buildings, and all other property in connection with it.

6. Board of Commissioners of Public Contracts consists of the Governor, Auditor, and Secretary of State. This board has the supervision and letting of all public contracts.

7. State Board of Election Commissioners consists of the Governor, Secretary of State, and Attorney-General. The duty of this board is to appoint, not more than ninety days nor less than thirty before the general election for State and county officers, three qualified electors as commissioners in each county to select election judges for each voting precinct.

8. Board of Pensions consists of the Auditor, Attorney-General, and Secretary of State. The board examines all cases of indigent persons who apply to the State for aid. This is a pension paid by the State to the ex-Confederate soldiers and members of their families. The appropriation is made by the General Assembly.

9. Board for Examining and Canceling Scrip, known as the " Burning Board," consists of the Governor, Secretary of State, and Auditor. The board examines canceled scrip, treasurer's certificates, warrants, and other securities that may be received and are of no further value, and burns or destroys the same.

10. The State Debt Board consists of the Governor, Secretary of State, Auditor, and Treasurer. The board superintends the sale of State bonds.

11. State Board for Building Railroads consists of the Governor, Auditor, and Attorney-General. The Assembly of 1897 created this board and gave it

power to locate, survey, establish, build, equip, and operate State railroads and telegraph lines.

12. Officers of other Boards: The Governor is president of the Board of Trustees of the Arkansas Industrial University. The Auditor is Insurance Commissioner. The State Land Commissioner is State Timber Inspector.

REVIEW QUESTIONS.

1. Give the State officers. 2. Explain how they are elected and give term of office of each. 3. If there should be a tie, how is a choice made? 4. Give qualifications of Governor. 5. Give all of his powers and duties. 6. Give compensation of the Governor and all of his assistants. 7. Mention one Governor under French rule. 8. One under Spanish rule. 9. One under territorial government. 10. Two under State government. 11. Who was the first Governor of Arkansas? 12. Who is now? 13. What is the salary of the Secretary of State? 14. What of his assistants? 15. What is the amount of his bond? 16. Give his duties. 17. What is the salary of the auditor and what of his assistant? 18. How much is the auditor's bond? 19. What is the difference between the auditor and treasurer? 20. Give salaries of treasurer and his assistants. 21. What is his bond? 22. What are his duties? 23. Give duties of attorney-general. 24. What is his salary? 25. Give bond and salary of commissioner of State lands. 26. What are his duties? 27. By what name was it first known? 28. Give duties of superintendent of public instruction. 29. What are the requisites for a State certificate? 30. What branches of study are required? 31. Who is our present superintendent? 32. Give two others. 33. What is his compensation? 34. Give bond, salary, and general duties of commissioner of mines, manufactures, and agriculture. 35. Is

there a geologist? 36. Give each of the State boards.
37. Give the State officers that compose each of the boards.
38. What is the duty of each? 39. When and where does
the board of commissioners of the common-school fund
meet? 40. When and where does the board of railroad
commissioners meet? 41. In case of death, resignation, or
removal of both the Governor and president of the Senate,
who would become Governor? Ans. Speaker of the House.

CHAPTER VIII.

Cities and Towns.

MUNICIPAL CORPORATIONS.

175. Classification.—In respect to the exercise of certain corporate powers and to the number, character, powers, and duties of certain officers, municipal corporations are divided into three classes: Cities of the first class, cities of the second class, and incorporated towns. A city of the first class has over 5,000 inhabitants; a city of the second class has over 2,500 inhabitants, and less than 5,000; all others are incorporated towns and are governed accordingly.

176. Election.—The annual election of all incorporated cities or towns is held on the first Tuesday in April. Any person who, at the time of the election of municipal officers, is a qualified voter, under the laws of the State, for State and county officers, and has resided within the corporation for six months next preceding the election and thirty days in the ward where he offers to vote, is a qualified elector. All

elections are held and conducted in the manner prescribed by law for holding State and county elections, so far as the same is applicable.

All cities of the first and the second class are divided into divisions called wards, which, in municipal elections, bear the same relation to the city as the township bears to the county. In each of these a place is appointed for holding elections. The returns of all municipal corporations must be made to the election commissioners of the county in which the corporation is situated, must be opened by them and counted within three days, and the result forwarded to the mayor. All officers must take the oath given in Art. 42.

CITIES OF THE FIRST CLASS.

177. Officers.—The qualified electors of cities of the first class, on the first Tuesday in April, elect one mayor, one treasurer, one police judge, one clerk, one attorney, and two aldermen for each ward. They hold their offices for the term of two years. The aldermen must be residents of their respective wards. One from each ward is elected every year, thus making the term of office two years.

178. Legislative Department.—The legislative power is vested in a city council, composed of aldermen. The mayor is *ex officio* president of the city council. If subordinate officers are needed the council has power to appoint them. The aldermen meet on

the next Monday after their election and organize the city council. A majority of all the aldermen elected constitutes a quorum.

179. Powers and Duties.—The city council has power to pass all laws for the government of the city. No laws, however, must conflict with the laws of the State or the United States. The city council has power to establish and regulate a board of health, a city watch or police, and fire companies with proper equipments; to superintend the market places, to care for and control public highways, bridges and public squares; to prescribe by ordinance in cities of the first class the width of tires of vehicles used in transportation, and to control all other things for the proper administration of city government. It has power to regulate and fix the salaries of city officers, to levy such taxes as may be necessary to defray the expenses of the city, although the tax for any one year cannot exceed five mills on the dollar of the assessed value of the property; and to appropriate any property to the use of the city if, before doing so, just compensation be tendered to the owner.

JUDICIAL DEPARTMENT.

180. Police Court.—Every police court shall have a seal and shall be deemed a court of records. The council provides a seal with the name of the State in the center and the words "Police Court" around the margin. The police judge presides over the court

and performs all duties of judge of the same. He has jurisdiction over all cases of misdemeanor arising under the ordinances passed by the city council. The chief of police is at the head of this department. He appoints policemen, organizes and superintends what is known as the police force.

EXECUTIVE DEPARTMENT.

181. Mayor.—The mayor is the chief executive officer of the city. "In case of his death, disability, resignation, or otherwise, the city council, by a majority vote of all the members, appoints some other person to act until the expiration of said term or disability, if the unexpired term of his office is less than six months; otherwise, an election shall be ordered in accordance with the laws of the State. A removal from the city shall be deemed a vacation of his office." (Sec. 5279, S. & H.)

182. Duties.—He supervises the conduct of all the city officers, preserves order, reports to the council the municipal affairs of the city, chooses and appoints the chief of the police department and the chief of the fire department. He has power to veto any ordinance adopted by the council, and before it can become a law must be re-passed by a two-thirds vote of all the aldermen. He shall spend all his time in looking after the interests of the city. His salary shall not exceed \$2,500 a year.

183. Other Officers.—The fire department, the board of health, the attorney, city physician, the clerk, treasurer, and collector are officers of the executive department of the city. Their duties are the same as those of the county having the same name. The board of health and the physician look after the sanitary condition of the city.

In cities of the first class there is a board of public affairs, composed of the mayor, as chairman, and two citizens selected by the city council. The board has power to purchase all supplies, apparatus, material and other things requisite for public purposes in the city, and to make all necessary contracts for work or labor to be done. In cases where the amount to be expended exceeds \$50, the council must be notified, and, if it so directs, the board must let the contract to the lowest bidder.

CITIES OF THE SECOND CLASS.

184. Officers.—The qualified electors of cities of the second class, on the first Tuesday in April, elect one mayor, one marshal, one recorder, one city treasurer, and two aldermen from each ward. The mayor and the aldermen constitute the council. The mayor has, within the limits of the city, all the jurisdiction and power of a justice of the peace in all matters, civil or criminal, arising under the laws of the State. He has exclusive original jurisdiction of all prosecutions for violations of any ordinance of the city. The city

council fixes the mayor's bond. The officers are elected for the term of two years. The other officers have duties corresponding, as their names imply, to those of the county. The council of the city of the second class has the same corresponding duties as those of the city of the first class. (See Art. 179.)

INCORPORATED TOWNS.

185. Organization.—When the inhabitants of a part of any county, not embraced within the limits of any city or incorporated town, desire to be organized into a city or town, they may apply by petition, in writing, signed by the inhabitants so applying, to be in number not less than twenty qualified voters, to the county court of the proper county, which petition shall describe the territory proposed to be embraced in such incorporated town, shall have annexed thereto an accurate map of the same, and shall state the name proposed for such incorporated town. The petition is filed with the county clerk subject to the inspection of any person interested. Public notice must be given at least three weeks before the time for such hearing. After hearing such petition, if the judge is satisfied that the limits are accurately described, that the twenty voters have signed the petition, and that the map is correct, he shall grant the petition. He signs the order, and delivers it, with the petition and maps, to the recorder of the county, who records the same and makes out two transcripts of the records, forwards

one to the Secretary of State and the other to the agents of the petitioners. As soon as these transcripts have been delivered the inhabitants within the limits described in the petition shall be deemed an incorporated town. One month shall elapse from the time the transcripts are delivered before notice of an election of officers shall be given.

186. Officers.—The qualified electors elect, for the term of one year, one mayor, one recorder, and four aldermen. These officers constitute the council. The mayor is a conservator of the peace, and has within the incorporation all the powers and jurisdiction of a justice of the peace. The council may provide such subordinate officers as may be necessary, as the marshal and treasurer. The town council has the same general duties as that of the city of the first class, but not quite so extensive.

REVIEW QUESTIONS.

1. Give the three classes of municipal corporation.
2. What is the difference?
3. When is the annual election of municipal corporation?
4. How long in the city and how long in the ward must you be before you are allowed to vote?
5. How are the elections held?
6. What is a ward and what is the object of it?
7. What officers are elected and how long do they hold office in a city of the first class?
8. In what is the legislative power vested?
9. Give powers and duties of the legislative department.
10. What is the object of the police court?
11. What kind of court is it?
12. Who is at the head of this department?
13. Who is the chief executive officer?
14. How is a vacancy filled?
15. What are his duties?
16. Name some

of the other officers of the city of the first class and give their duties. 17. Give the officers of the city of the second class. 18. How long do they hold office? 19. How may a town be incorporated? 20. Give the officers of an incorporated town. 21. What advantage is there in having a city or town incorporated? 22. Why are not all towns incorporated? 23. Many of the largest cities of the United States have two branches of the city council corresponding to our Senate and House, called the upper and lower house. A congress, legislature, and a city council so divided are said to consist of two deliberative bodies. Do you think the city council should consist of two deliberative bodies? 24. Give all the points in favor of two deliberative bodies, disadvantages of two, of one. 25. Why is city government so complicated? 26. Mention the affairs in the following list that are usually managed by the city council: Water-works, street-car lines, electric lights, special delivery of mail, sidewalks, transportation, sewerage, pavement of streets, telephone system, fire department, empounding of stock, police force, sale of goods on the streets, public parks, gas-works.

CHAPTER IX.

Miscellaneous.

GENERAL ELECTIONS.

187. Time.—On the first Monday in September every two years an election is held in each precinct and ward in the State for the election of all elective State, county, and township officers, whose term of office is fixed by the constitution at two years. Also State senators, judges of the supreme court, circuit judges and prosecuting attorneys are elected at this time when their terms have previously expired. Section 25, Revised Statutes of the United States, prescribes the next Tuesday after the first Monday in November, every two years, for the election of representatives in Congress. Should this section be repealed our representatives in Congress would be elected on the first Monday in September.

188. Election Commissioners.—The board of election commissioners (Art. 174) appoints three qualified electors as commissioners in each county

to select election judges for each voting precinct and for other prescribed duties. After taking oath, they meet at the court-house and organize themselves into a board of "election commissioners" by choosing one member as chairman and another as clerk. Not less than five days before the election they appoint three judges of election for each voting precinct. They furnish a ballot-box, printed ballots, poll-book, and all other supplies, for each precinct. These are delivered to the sheriff, who takes or sends them to the precinct before the election. If the sheriff be a candidate, it is the duty of the board to appoint some suitable person or persons to perform the duties of the sheriff at such election.

189. Qualifications of Electors.—Every male citizen of the United States of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct or ward one month, next preceding any election, is a qualified elector and has the right to vote, except idiots and insane persons. No person who has been convicted of any offence which is a felony at common law is allowed to vote, unless the Governor pardoned such person. The law requires each elector to present a poll-tax receipt to the judges, who indicate on it that the elector has voted. This is done to prevent any one from voting more than once. This is law, but it is not practiced in all cases.

FORM OF BALLOT.

The following is a fac-simile of the General Election ballot of September 1898. This ballot was printed in one continuous form as has always been the custom.

OFFICIAL BALLOT.

Election September 5, 1898.

(Cross out or scratch off the names of all persons except those for whom you wish to vote.)

Governor.—Vote for one.

DANIEL W. JONES.....Democrat
H. F. AUTEN.....Republican
ALEX McKNIGHT....Liberty Party
W. S. MORGAN.....Populist

.....
Secretary of State.—Vote for one.

H. H. MYERS.....Republican
ALEX C. HULL.....Democrat

.....
State Auditor.—Vote for one.

CLAY SLOAN.....Democrat
ANDREW I. ROLAND..Republican
.....

State Treasurer.—Vote for one.

A. L. KREWSON.....Republican
THOMAS E. LITTLE.....Democrat
.....

Attorney General.—Vote for one.

JEFF DAVIS.....Democrat
J. F. HENLEY.....Republican
.....

Commissioner of State Lands.—Vote
for one.

GEORGE M. FRENCH..Republican
J. W. COLQUITT.....Democrat
.....

Commissioner of Mines, Manufacture
and Agriculture.—Vote for one.

FRANK HILL.....Democrat
CHARLES W. COX.....Republican
.....

Superintendent Public Instruction.—
Vote for one.

R. L. WILLFORD.....Republican
J. J. DOYNE.....Democrat
.....

Associate Justice of the Supreme
Court.—Vote for one.

J. E. RIDDICK.....Democrat
JAMES BRIZZOLARA..Republican
.....

For Amendment No. 4.—(Railroad
Commission.)

Against Amendment No. 4.

For Amendment No. 5.—(County Road Tax.)

Against Amendment No. 5.

Circuit Judge 4th Judicial Circuit.—
Vote for one.

J. M. PITTMAN.....Democrat

.....
Prosecuting Attorney 4th Judicial Cir-
cuit.—Vote for one.

J. W. WALKER.....Democrat

.....
State Senator 24th Senatorial Dis-
trict.—Vote for one.

N. J. CARLOCK.....Democrat

.....
Representatives.—Vote for two.

H. W. GIPPLE.....Republican

J. W. CAMPE.....Populist

HARRY L. PATTON.....Democrat

R. L. NANCE.....Democrat

.....
County Judge.—Vote for one.

F. H. FOSTER.....Democrat

HARRY NEWBOLD.....Republican

.....
Sheriff and Collector.—Vote for one.

JOSH MASON.....Republican

J. G. McANDREWS.....Democrat

Circuit Clerk.—Vote for one.

W. O. YOUNG.....Democrat

DENTON WOODS.....Republican

.....
County Clerk.—Vote for one.

W. M. HASTE.....Republican

HARRY HUST.....Democrat

.....
County Treasurer.—Vote for one.

W. L. MARLEY.....Democrat

G. M. D. GOFF.....Republican

.....
Assessor.—Vote for one.

S. J. MURPHEY.....Republican

J. W. PUCKETT.....Democrat

.....
Surveyor.—Vote for one.

J. A. MURRY.....Democrat

THOMAS WILSON.....Republican

.....
Coroner.—Vote for one.

.....
FOR LICENSE.

AGAINST LICENSE.

FOR THE SALE OF WINE.

AGAINST THE SALE OF WINE.

Space should be left here for two
justices of the peace and one constable,
this being the number allowed by law
in each township. See Arts. 31, and 37.

OFFICIAL BALLOT.

190. Ballot System.—The Australian ballot system has been adopted by the State. This system was first proposed by Francis S. Dutton, who was a member of the Legislature of South Australia from 1851 to 1865. The Legislature made it a law in 1857. Other nations heard of the system and the excellent results. Massachusetts, in 1888, introduced the system into the United States. Many of the States of the Union have adopted the system. It should be adopted by all States. As applied to suffrage, it is one of the grandest schemes known to man. Under such a system, violence, disorder, bribery, and intimidation lie powerless. The polls are opened at 8 o'clock A. M. and closed at 6:30 P. M., remaining continuously open during that time.

191. Manner of Voting.—No ballots shall be used except those gotten out at public expense. The names of all candidates, to be voted for at any election, shall be printed on these ballots, indicating both the offices to which they aspire and the party they represent. One hundred fifty ballots for each fifty, or fraction of fifty, electors in each precinct are sent to the election judges of all the voting precincts in the county. A strict record of the number of ballots sent to each precinct is kept. All of these ballots must be returned to the election commissioners with the returns of the election. The ballots returned are of

three kinds—the ballots filled out and cast into the ballot-box, blank ballots not needed in the election and ballots spoiled by the electors during the election and returned to the election judges. Such a plan as this prevents any fraud in elections. One booth, or compartment, for each one hundred electors, or fraction thereof, is prepared in each precinct or ward, where each individual may retire and prepare his ballot. The elector, having prepared his ballot, folds and returns it to the election judges, who number the ballot and cast it into the ballot-box.

The returning of the spoiled ballots to the election commissioners is a requirement of the Australian system; but not required in our State laws.

The clerks record in the poll-books the elector's name and the number of the ballot voted by such elector. The ballots are counted by the judges, and the results, with all the ballots, are sent by special messenger to the election commissioners at the county seat, who sum up the result and announce it officially to the public. The election commissioners ascertain the result of the election for all State officers and mail one envelope, containing the result, addressed to the Secretary of State and another addressed to the Speaker of the House, who opens and counts them (see p. 75) in the presence of both the House and the Senate.

192. Expenses.—The members of the board of election commissioners each receive \$2 a day while

actually engaged, the judges and clerks receive \$1 a day, and the messenger carrying the returns of the election receives five cents a mile in going and returning. These expenses, together with all printing expenses, must be paid by the county. However, the candidates receiving the nomination really pay the expense. The certificates of nomination must be accompanied by the receipt of the treasurer or collector of each county in which the candidates are to be voted for. The amounts required of each are as follows: Candidates for office to be voted for by the electors of the entire State, fifty cents for each county; candidates for office of a district composed of more than one county, except members of Congress, \$3; candidates for representatives in Congress, \$10; candidates for office of a single county, \$3; candidates for office of a township, \$1. These several amounts are placed to the credit of the fund for general county expenses.

193. Senatorial Districts.—In all senatorial districts composed of two or more counties, the election board of each county in the district transmits to the election board of the county first named in the district, a certified copy of the abstract of the senatorial election in each county.

194. Presidential Elections.—The election or appointment of electors for President and Vice-President of the United States is held on the Tuesday next after the first Monday in November. We do not vote directly for President and Vice-President, but

vote for "electors," who meet at the State capital and cast their vote directly for them. This State has eight electors, or is allowed eight electoral votes. (Art. 11.) Each party, when it meets in State convention to choose candidates for President and Vice-President, selects eight candidates for electors. These electors are placed on the official ticket under the head of the party choosing them and submitted to the people, who vote for them as explained above in the "Manner of Voting." When the county board of commissioners receive the returns they are forwarded to the Governor (Art. 174, 7) and the result declared by the State election board. The Governor and Secretary of State issue certificates to the persons chosen as electors.

On the second Monday in January the electors meet at the seat of government and cast their vote for President and Vice-President. They make, sign, and certify three lists. Two are transmitted to the president of the United States Senate—one by special messenger and the other by mail, and the remaining one they file with the judge of the United States district court in which the electors meet. On the second Wednesday in February the United States Senate and House of Representatives meet in joint session. In the presence of each house the president of the Senate opens and counts the votes from all the States.

195. United States Senators.—Each State in the Union has two senators, and no more. They hold office for the term of six years. The Legislature, on

the second Tuesday after its meeting and organization, proceeds to elect a United States senator.

Senators each receive \$5,000 a year and twenty cents a mile in going to and returning from Congress.

196. Congressional Districts.—Representatives in Congress are elected every two years. They receive \$5,000 a year, and twenty cents a mile in going to and returning from Congress. There are six congressmen from this State, one from each of the following congressional districts:

First—Randolph, Clay, Greene, Lawrence, Sharp, Jackson, Craighead, Mississippi, Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips, Woodruff.

Second—Cleveland, Lincoln, Grant, Jefferson, Drew, Bradley, Dallas, Hot Springs, Saline, Garland, Montgomery, Polk, Scott, Sebastian.

Third—Howard, Sevier, Little River, Pike, Hempstead, Miller, Lafayette, Ashley, Columbia, Desha, Chicot, Nevada, Clark, Ouachita, Calhoun, Union.

Fourth—Franklin, Johnson, Logan, Pulaski, Conway, Pope, Yell, Perry.

Fifth—Benton, Washington, Madison, Carroll, Boone, Newton, Crawford, Van Buren, Faulkner, Searcy.

Sixth—Marion, Baxter, Fulton, Izard, Prairie, Monroe, Stone, Independence, Cleburne, White, Lonoke, Arkansas.

STATE INSTITUTIONS.

197. Charitable.—The School for the Blind has a beautiful location in the southern part of the city of Little Rock, the Deaf Mute Institute is located in a very desirable place in the western part of the city, and farther out in the western part of the city is the Lunatic Asylum, with all about it to make it a pleasant and happy home for the inmates.

The Governor appoints a board consisting of six members, one from each congressional district, to manage these institutions.

198. Ex-Confederate Home.—This home was formally opened December 1, 1890. It is situated about six miles southeast of Little Rock, on the Pine Bluff road. This home was first maintained by private subscription, but in 1891 it was given to the State and the Legislature appropriated \$10,000 for its support. It is a comfortable home, but not large enough to accommodate all.

199. Arkansas Industrial University is located at Fayetteville, the medical and law departments are located at Little Rock, and the Branch Normal Department (for the colored) is at Pine Bluff. The Governor appoints one trustee from each congressional district, who serves for six years. A great deal might be said for our university; but its excellent work speaks for it.

200. Penitentiary.—Just west of the main business part of the city of Little Rock is the penitentiary. These buildings are well equipped and have been well managed. But the management of convicts seems to be a difficult one. I quote here from the biennial report of 1896, H. B. Armistead, Secretary of State:

“There is no State board that has graver duties to perform, or greater responsibilities resting upon it, than the Board of Penitentiary Commissioners. We have entrusted to our care and control 950 convicts, for the most part thieves, murderers, and desperadoes. The management of penal labor is a subject of the deepest public concern. No two States have adopted the same system of management. Convicts are criminals, and should be made to pay the penalty of violated law; but they are human beings, and should be so treated by those having them in charge.”

UNITED STATES.

201. Special Provisions.—People compose townships, townships compose counties, counties compose States, States compose the United States. There were thirteen original States. In 1776 they declared themselves free. In 1783, at Paris, the treaty of peace was signed. In 1787-90 the United States Constitution was ratified. The States granted to Congress its powers, now Congress gives to the States their powers. Congress consists of two bodies: the Senate and the

House. There are 90 senators at present (Art. 195) and 357 representatives. (Arts. 11 and 196.) The President (Art. 193) is the chief executive officer. His office is the highest in the gift of the people. He receives \$50,000 a year. The Vice-President presides over the Senate. His salary is \$8,000 a year. The House elects a Speaker, who receives \$8,000 a year. The President chooses a Cabinet consisting of eight official advisers, as follows: Secretary of State, Secretary of Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of Navy, Secretary of Interior, and Secretary of Agriculture. The members of the Cabinet become President in the above order in case of disability on the part of the President and Vice-President to serve. Each receives \$8,000 a year. The Constitution of the United States may be amended in two ways:

First. By a two-thirds vote of both houses Congress may propose to the States amendments to the Constitution. Such amendments, when proposed by Congress, must be ratified by the legislatures of three-fourths of the States, or by convention of three-fourths of the States.

Second. Congress, upon application of two-thirds of the States, shall call a convention of delegates from the several States for the purpose of proposing amendments. An amendment so proposed must be

ratified also by the legislatures or by conventions of two-thirds of the States.

Nineteen amendments have been proposed; fifteen ratified.

The judicial system of the United States and that of our State are very much alike. The courts are as follows: Supreme Court, Circuit Court of Appeals, Circuit Courts, District Courts, and Court of Claims. The Supreme Court consists of one Chief Justice and eight Associate Justices. They hold office for life, or during good behavior. If they have served for ten years they may retire on full pay at the age of seventy. The chief justice receives annually \$10,500 and the associate justices \$10,000 each. They are appointed by the President and confirmed by the Senate.

We thus see the similarity between the State and the United States government and how they are related.

REVIEW QUESTIONS.

1. When is the general election held? 2. What officers are elected at this time? 3. Give the duties of the board of election commissioners. 4. Give qualification of electors. 5. What persons are disqualified? 6. What ballot system do we use? 7. Why so called? 8. How many ballots are sent out? 9. Explain the manner of voting. 10. How is the expense of elections paid? 11. Give compensation of those who assist in holding elections. 12. What special arrangement has been made for elections held in senatorial districts of more than one county? 13. How is the President and Vice-President elected? 14. When is the election held?

15. How are United States senators elected? 16. How much do they receive and how long do they hold office? 17. How many congressional districts? 18. What is the number of yours? 19. Give the names of our senators. 20. Give names of two of our United States representatives. 21. Give the names of our charitable institutions. 22. Where is each located? 23. How many on each board and how are they appointed? 24. Where is the penitentiary? 25. Who has the management of it? 26. How is our State and national government related? 27. How many original States? 28. How did these States become the United States? 29. How many United States senators? 30. How many representatives? 31. Give salary of President, Vice-President, Speaker of the House, members of the Cabinet, supreme judges. 32. Give the President's Cabinet. 33. What is the order in which they should become President? 34. Give the United States court system. 35. How many supreme judges and how long do they hold office? 36. How many amendments have been made to the constitution?

GENERAL QUESTIONS.

1. Define misdemeanor, assault, felony, civil action, criminal action. 2. What is grand larceny? 3. What petty larceny? 4. What does embezzlement mean? 5. What is meant by suffrage? 6. Explain franchise, disfranchise. 7. What does waive or waiver mean? 8. Explain *nol pros* as generally used. 9. What is meant by acquittal? 10. Define breach of the peace, client, defeasance, excise, perjury, proviso, replevin, reprieve, recourse, State's evidence, verdict, *viva voce*.

CONSTITUTION

OF THE

State of Arkansas.

ADOPTED IN CONVENTION SEPTEMBER 7, 1874.

PREAMBLE.

We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government; for our civil and religious liberty; and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this Constitution.

ARTICLE I.—BOUNDARIES.

We do declare and establish, ratify, and confirm the following as the permanent boundaries of the State of Arkansas—that is to say: Beginning at the main channel of the Mississippi river, on the parallel thirty-six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis river; thence up the main channel of said last-named river to the parallel of thirty-six degrees, thirty minutes of north latitude; thence west with the southern boundary line of the State of Missouri to the southwest corner of said last-named State; thence to be bounded on the west to the north bank of Red river, as by Act of Congress and treaties existing January first, 1837, defining the

western limits of the territory of Arkansas, and to be bounded across and south of Red river by the boundary line of the State of Texas as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary line of said last-named State to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said last-named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the Territory or State of Arkansas, to the thirty-sixth degree of north latitude, the place of beginning.

Seat of Government.

The seat of government of the State of Arkansas shall be and remain at Little Rock, where it is now established.

ARTICLE II.—DECLARATION OF RIGHTS.

SECTION 1.—*Source of Political Power—Object of Government—Right of Reform and Abolition.*

All political power is inherent in the people, and government is instituted for their protection, security, and benefit; and they have the right to alter, reform, or abolish the same, in such manner as they may think proper.

SECTION 2.—*Natural Freedom and Independence of Men—Inalienable Rights—Origin of Government.*

All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 3.—*Equality of All Persons Before the Law.*

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity; nor exempted from any burden or duty, on account of race, color, or previous condition.

SECTION 4.—*Right of Public Assembly, and of Petition.*

The right of the people peaceably to assemble to consult for the common good, and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

SECTION 5.—*Right to Bear Arms.*

The citizens of this State shall have the right to keep and bear arms for their common defence.

SECTION 6.—*Liberty of the Press and of Speech—Libel.*

The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the inalienable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.

SECTION 7.—*Trial by Jury.*

The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SECTION 8.—*No Person to be Held to Answer for Crime, but on Presentment or Indictment—Exceptions—No Person to be Twice Put in Jeopardy for Same Offence—Or be Compelled to be Witness Against Himself—Security for Life, Liberty, and Property—Right to Bail.*

No person shall be held to answer a criminal charge, unless on the presentment or indictment of a grand jury; except in cases of impeachment, or cases such as the General Assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction, or cases arising in the army and navy of the United States, or in the militia when in actual service in time of war or public danger; and no person, for the same offence, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial, at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great.

SECTION 9.—*Excessive Bail and Fines, Cruel Punishments, and Detention of Witnesses Prohibited.*

Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishment be inflicted; nor witnesses be unreasonably detained.

SECTION 10.—*Rights of Accused in Criminal Prosecution.*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county in which the crime shall have been committed:

Provided, that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is or may be prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to be heard by himself and his counsel.

SECTION 11.—*Habeas Corpus.*

The privilege of the writ of *habeas corpus* (Art. 113), shall not be suspended except, by the General Assembly, in case of rebellion, insurrection, or invasion, when the public safety may require it.

SECTION 12.—*Suspension of the Laws.*

No power of suspending or setting aside the law or laws of the State shall ever be exercised, except by the General Assembly. (Art. 112.)

SECTION 13.—*Redress of Wrongs.*

Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property, or character; he ought to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

SECTION 14.—*Treason.*

Treason against the State shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 15.—*Security Against Unreasonable Searches and Seizures.*

The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SECTION 16.—*Imprisonment for Debt Prohibited.*

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

SECTION 17.—*Attainder Laws, ex Post Facto, Impairing Contracts, etc., Prohibited.*

No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate. (Art. 113, 3.)

SECTION 18.—*Equality of Privileges and Immunities.*

The General Assembly shall not grant, to any citizen or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SECTION 19.—*Perpetuities, Monopolies, and Hereditary Distinctions Prohibited.*

Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed, nor shall any hereditary emoluments, privileges, or honors ever be granted or conferred in this State.

SECTION 20.—*Resident Aliens.*

No distinction shall ever be made by law, between resi-

dent aliens and citizens, in regard to the possession, enjoyment, or descent of property.

SECTION 21.—*Life, Liberty, and Property; How Secured—Banishment Prohibited.*

No person shall be taken or imprisoned, or disseized of his estate, freehold, liberties, or privileges; or outlawed, or in any manner destroyed; or deprived of his life, liberty, or property; except by the judgment of his peers, or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

SECTION 22.—*Private Property Taken for Public Use.*

The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated, or damaged for public use, without just compensation therefor.

SECTION 23.*—*State's Right of Eminent Domain and of Taxation—Delegation of Taxing Power.*

The State's ancient right of eminent domain and of taxation is herein fully and expressly conceded; and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance, and well-being, but no further.

SECTION 24.—*Right of Religious Liberty.*

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship; or to maintain any ministry against his consent. No human authority can, in

* See page 52.

any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship, above any other.

SECTION 25.—*Protection of Religious Liberty.*

Religion, morality, and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

SECTION 26.—*Religious Tests Prohibited—Oaths or Affirmations Required.*

No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations. (Art. 42.)

SECTION 27.—*Involuntary Servitude, Except for Crime, Prohibited—Standing Army—Military Subordinate to Civil Power—Quartering of Troops.*

There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

SECTION 28.—*Tenure of Lands.*

All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.*

* For feudal system, see Barnes's General History, page 408.

SECTION 29.—*This Enumeration of Rights Not to Disparage Other Rights—Paramount Authority of Declaration of Rights and of Constitution.*

This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained shall be void.

ARTICLE III.—FRANCHISE AND ELECTIONS. (ART. 189.)

SECTION 1.—*Qualifications of Electors.*

Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.

SECTION 2.—*Freedom of Elections—Right of Suffrage Not to Depend on Previous Registration—Or Impairable Except on Conviction for Felony.*

Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted, whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

SECTION 3.—*Elections to be by Ballot—Numbering of Ballots—
Secrecy of the Ballot.*

All elections by the people shall be by ballot. (Art. 190.) Every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers, on the list of voters opposite the name of the elector who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding, or a proceeding to contest an election.

SECTION 4.—*Privilege of Electors.*

Electors shall, in all cases (except treason, felony, and breach of the peace), be privileged from arrest during their attendance at elections, and going to and from the same.

SECTION 5.—*Idiots and Insane.*

No idiot or insane person shall be entitled to the privileges of an elector.

SECTION 6.—*Corrupt Violation of Election Laws to Disqualify
for Office.*

Any person who shall be convicted of fraud, bribery, or other wilful and corrupt violation of any election law of this State, shall be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.

SECTION 7.—*United States Soldiers, Sailors, and Marines.*

No soldier, sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

SECTION 8.—*Time of Holding General Elections.*

The general elections (Art. 187) shall be held biennially on the first Monday of September; but the General Assembly may, by law, fix a different time.

SECTION 9.—*Testimony in Cases of Contested Elections.*

In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

SECTION 10.—*Causes of Disqualification as Election Officer.*

No person shall be qualified to serve as an election officer (Art. 188) who shall hold, at the time of the election, any office, appointment, or employment in or under the government of the United States, or of this State, or in any city or county or any municipal board, commission, or trust in any city; save only the justices of the peace, and aldermen, notaries public, and persons in the militia service of the State. Nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve; save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

SECTION 11.—*Votes Unlawfully Refused, to be Counted on Trial of Contest.*

If the officers of any election shall unlawfully refuse or fail to receive, count, or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any conte[n]st arising out of said election.

SECTION 12.—*Elections by Parties Representative.*

All elections by persons acting in a representative capacity shall be *viva voce*.

ARTICLE IV.—DEPARTMENTS. (ART. 89.)

SECTION 1.—*Departments of Government.*

The powers of the government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy—to wit: Those which are legislative to one; those which are executive to another; and those which are judicial to another.

SECTION 2.—*Separation of Departments.*

No person or collection of persons, being of one of these departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE V.—LEGISLATIVE. (ART. 90.)

SECTION 1.—*General Assembly.*

The legislative power of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives.

SECTION 2.—*House of Representatives.*

The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

SECTION 3.—*Senate.*

The Senate (Art. 101) shall consist of members to be chosen every four years by the qualified electors of the sev-

eral districts. At the first session of the Senate, the senators shall divide themselves into two classes, by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

SECTION 4.—*Qualifications of Senators and Representatives.*

No person shall be a senator or representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been, for two years next preceding his election, a resident of this State, and for one year next preceding his election, a resident of the county or district whence he may be chosen. Senators shall be at least twenty-five years of age, and representatives at least twenty-one years of age.

SECTION 5.—*Times of Meeting.*

The General Assembly shall meet at the seat of government every two years, on the first Tuesday after the second Monday in November, until said time be altered by law. (Art. 91.)

SECTION 6.—*Vacancies.*

The Governor shall issue writs of election (Arts. 92, 101) to fill such vacancies as shall occur in either house of the General Assembly.

SECTION 7.—*Officers Ineligible to General Assembly.*

No judge of the supreme, circuit, or inferior courts of law or equity, secretary of state, attorney-general for the State, auditor, or treasurer, recorder, clerk of any court of record, sheriff, coroner, member of Congress, or any other person holding any lucrative office under the United States or this State (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the General Assembly.

SECTION 8.—*Holders of Public Moneys Disqualified for Office, Until Settlement.*

No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any office of trust or profit, until he shall have accounted for and paid over all sums for which he may have been liable.

SECTION 9.—*Conviction of Infamous Crime to Disqualify for Office.*

No person hereafter convicted of embezzlement of public money, bribery, forgery, or other infamous crime, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

SECTION 10.—*Senator or Representative Disqualified for Civil Office.*

No senator or representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

SECTION 11.—*Each House to Appoint its Officers and Determine Qualifications, etc., of Its Members—Quorum.*

Each house shall appoint its own officers (pages 65 and 69) and shall be sole judge of the qualifications, returns, and elections of its own members. A majority of all the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house shall provide.

SECTION 12.—*Rules—Expulsion of Members—Punishment for Contempt—Enforcement of Process—Protection of Members—Journal—Yeas and Nays.*

Each house shall have the power to determine the rules* of its proceedings; and punish its members or other persons for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes, or private solicitations; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause. A member expelled for corruption shall not, thereafter, be eligible to either house; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence. Each house shall keep a journal of its proceedings; and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays, on any question, shall, at the desire of any five members, be entered on the journals.

SECTION 13.—*Proceedings to be Public.*

The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SECTION 14.—*Elections by Joint or Concurrent Vote.*

Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses or by the separate vote of either house of the General Assembly, the vote shall be taken *viva voce* and entered on the journals.

SECTION 15.—*Privileges of Senators and Representatives.*

The members of the General Assembly shall, in all cases except treason, felony, and breach, or surety of the peace, be privileged from arrest during their attendance at the

* See last paragraph of Art. 107.

sessions of their respective houses and in going to and returning from the same, and, for any speech or debate in either house, they shall not be questioned in any other place.

SECTION 16.—*Pay and Mileage—Term to Begin with Election.*

The members of the General Assembly shall receive such *per diem* pay (Art. 94) and mileage for their services, as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services under any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election.

SECTION 17.—*Duration of Sessions.*

The regular biennial sessions shall not exceed sixty days in duration; unless by a vote of two-thirds of the members elected to each house of said General Assembly: Provided, that this section shall not apply to the first session of the General Assembly under this Constitution, or when impeachments are pending.

SECTION 18.—*Presiding Officers—President of Senate to Succeed to Governorship in Case of Vacancy.*

Each house, at the beginning of every regular session of the General Assembly and whenever a vacancy may occur shall elect from its members a presiding officer, to be styled, respectively, the president of the Senate and the speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of the member elected president of the Senate will expire before the next regular session, the Senate shall elect another president from those members whose terms of office continue over, who shall qualify and remain president of the Senate until his successor may be elected and qualified, and who, in the

case of a vacancy in the office of Governor, shall perform the duties and exercise the powers of Governor, as elsewhere herein provided.

SECTION 19.—*Style of Laws.*

The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas."

SECTION 20.—*State Not to be Sued in Her Courts.*

The State of Arkansas shall never be made defendant in any of her courts.

SECTION 21.—*Laws to be by Bill—Amendment of Bills.*

No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either house, as to change its original purpose.

SECTION 22.—*Passage of Bills.*

Every bill shall be read at length, on three different days, in each house, unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays; the names of the persons voting for and against the same be entered on the journal; and a majority of each house be recorded thereon as voting in its favor.

SECTION 23.—*Revival, Amendment, and Extension, of Laws.*

No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted, and published at length.

SECTION 24.—*Classes of Special Legislation Prohibited.*

The General Assembly shall not pass any local or special law changing the venue in criminal cases; changing the

names of persons, or adopting or legitimating children; granting divorces; vacating roads, streets, or alleys.

SECTION 25.—*Restrictions on Special Legislation.*

In all cases where a general law can be made applicable, no special law shall be enacted; nor shall the operation of any general law be suspended by the Legislature for the benefit of any particular individual, corporation, or association; nor where the courts have jurisdiction to grant the powers or the privileges or the relief asked for.

SECTION 26.—*Publication of Notice of Local and Special Bills.*

No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated; which notice shall be at least thirty days prior to the introduction in the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

SECTION 27.—*Extra Compensation to Officers, Agents, Employees, and Contractors—Appropriations for Claims, in Matters Not Provided for by Pre-existing Laws.*

No extra compensation shall be made to any officer, agent, employee, or contractor, after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject-matter of which shall not have been provided for by pre-existing laws; unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.

SECTION 28.—*Adjournment.*

Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two houses shall be sitting.

SECTION 29.—*Appropriations to be Specific, and Limited to Two Years.*

No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations shall be for a longer period than two years.

SECTION 30.—*General and Special Appropriation Bills.*

The general appropriation bill shall embrace nothing but appropriations for the ordinary expense of the executive, legislative, and judicial departments of the State; all other appropriations shall be made by separate bills, each embracing but one subject.

SECTION 31.—*Vote Requisite to Allowances of State Tax, and Appropriations of Money.*

No State tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.

SECTION 32.—*Redress for Injuries to Person or Property.*

No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such

injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

SECTION 33.—*Liabilities of Corporations to the State.*

No obligation or liability of any railroad or other corporation held or owned by this State shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly; nor shall such liability or obligation be released, except by payment thereof into the State treasury.

SECTION 34.—*Bills Not to be Introduced During Last Three Days of the Session.*

No new bill shall be introduced into either house during the last three days of the session.

SECTION 35.—*Bribery of Officers.*

Any person who shall, directly or indirectly, offer, give, or promise any money, or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the General Assembly; and any such executive or judicial officer or member of the General Assembly who shall receive, or consent to receive, any such consideration, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony, and be punished accordingly.

SECTION 36.—*Expulsion of Member No Bar to Indictment.*

Proceedings to expel a member for a criminal offence, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offence.

ARTICLE VI.—EXECUTIVE DEPARTMENT. (ARTS. 153-4.)

SECTION 1.—*Executive Officers—Offices to be at Seat of Government—Terms of Office—Commissioner of State Lands.*

The executive department of this State shall consist of a governor, secretary of state, treasurer of state, auditor of state, and attorney-general, all of whom shall keep their offices in person at the seat of government and hold their offices for a term of two years, and until their successors are elected and qualified; and the General Assembly may provide by law for the establishment of the office of commissioner of State lands.

SECTION 2.—*Governor.*

The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled “the Governor (Arts. 155-6) of the State of Arkansas.”

SECTION 3.—*Election of Executive Officers—Returns—Declaration of Election—Case of Tie.*

The governor, secretary of state, treasurer of state, auditor of state, and attorney-general shall be elected by the qualified electors of the State at large, at the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the speaker of the House of Representatives, who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The person having the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same offices, one of them shall be chosen by the joint vote

of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.

SECTION 4.—*Contested Elections for Executive Officers.*

Contested elections for governor, secretary of state, treasurer of state, auditor of state, and attorney-general shall be determined by the members of both houses of the General Assembly, in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

SECTION 5.—*Qualifications of Governor.*

No person shall be eligible to the office of governor except a citizen of the United States, who shall have attained the age of thirty years, and shall have been seven years a resident of this State.

SECTION 6.—*Governor to be Commander-in-Chief.*

The governor shall be commander-in-chief of the military and naval forces of this State except when they shall be called into the actual service of the United States.

SECTION 7.—*May Require Information from Officers of Executive Department—Execution of the Laws.*

He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

SECTION 8.—*Messages to General Assembly.*

He shall give to the General Assembly, from time to time, and at the close of his official term to the next General

Assembly, information, by message, concerning the condition and government of the State; and recommend for their consideration such measures as he may deem expedient.

SECTION 9.—*Great Seal of the State.*

A seal of the State shall be kept by the governor, used by him officially, and called the "Great Seal of the State of Arkansas."

SECTION 10.—*Grants and Commissions.*

All grants and commissions shall be issued in the name, and by the authority of the State of Arkansas; sealed with the great seal of the State; signed by the governor, and attested by the secretary of state.

SECTION 11.—*Persons Ineligible to Office of Governor.*

No member of Congress, or other person holding office under authority of this State or of the United States, shall exercise the office of governor, except as herein provided.

SECTION 12.—*Death, Impeachment, or Other Disability of Governor.*

In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties, and emoluments of the office for the remainder of the term, or until the disability be removed, or a governor elected and qualified, shall devolve upon, and accrue to, the president of the Senate. (Art. 103.)

SECTION 13.—*Impeachment or Other Disability of President of Senate, Acting as Governor.*

If, during the vacancy of the office of governor, the president of the Senate shall be impeached, removed from

office, refuse to qualify, resign, die, or be absent from the State, the speaker of the House of Representatives shall, in like manner, administer the government.

SECTION 14.—*Election to Fill Vacancy in Office of Governor—Returns—Contested Election.*

Whenever the office of governor shall have become vacant by death, resignation, removal from office, or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late governor shall have been elected, the president of the Senate or speaker of the House of Representatives, as the case may be, exercising the powers of governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days' previous notice thereof, which election shall be governed by the same rules prescribed for general elections of governor as far as applicable; the returns shall be made to the secretary of state, and the acting governor, secretary of state, and attorney-general shall constitute a board of canvassers, a majority of whom shall compare said returns, and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

SECTION 15.—*Bills to be Presented to Governor for Approval—Proceedings in Case of Veto—Bill not Returned within Five Days to Become a Law—Bills Passed During Last Five Days of Session.*

Every bill which shall have passed both houses of the General Assembly, shall be presented to the governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number

elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house; by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by "yeas and nays"; and the names of the members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall become a law, unless he shall file the same, with his objections, in the office of the secretary of state, and give notice thereof, by public proclamation, within twenty days after such adjournment.

SECTION 16.—*Concurrent Orders and Resolutions to be Presented to Governor for Approval—Proceedings in Case of Veto.*

Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

SECTION 17.—*Veto of Items of Appropriation Bills—Proceedings in Such Case.*

The governor shall have power to disapprove any item or items, of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law; and the item or items of appropriations disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SECTION 18.—*General Pardoning Power—Pardoning Power in Cases of Treason—Information Concerning Pardons, etc., to be Communicated to the General Assembly.*

In all criminal and penal cases, except in those of treason and impeachment, the governor shall have power to grant reprieves (Art. 378), commutations* of sentence, and pardons, after conviction; and to remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation, or pardon, with his reasons therefor; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve.

SECTION 19.—*Extra Session of the General Assembly, and Convocation Elsewhere than at Seat of Government.*

The governor may, by proclamation on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened; and no other business than that set forth therein shall be transacted until the same shall have been disposed of; after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

*The word "commute" means to exchange. In law, it means to change one penalty or punishment from a greater to a less, as from death to so many years in the penitentiary. Hence, commutation is the changing of a punishment to one less severe.

SECTION 20.—*Case of Disagreement in General Assembly, as to Time of Adjournment.*

In cases of disagreement between the two houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and on account of danger from an enemy or disease, to such other place of safety as he may think proper.

SECTION 21.—*Duties of Secretary of State—Superintendent of Public Instruction.*

The secretary of state shall keep a full and accurate record of all the official acts and proceedings of the governor; and, when required, lay the same with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly. He shall also discharge the duties of superintendent of public instruction (Art. 169) until otherwise provided by law.

SECTION 22.—*Duties of Other Officers of Executive Department—Their Disqualification to hold Other Office—Vacancies in Their Offices.*

The treasurer of state, secretary of state, auditor of state, and attorney-general shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this State or under any State, or the United States, or any other power, at one and the same time; and in case of vacancy occurring in any of said offices, by death, resignation, or otherwise, the governor shall fill said office by appointment for the unexpired term.

SECTION 23.—*Vacancies in Office not Elsewhere Provided.*

When any office, from any cause, may become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office, at the next general election, shall be duly qualified.

ARTICLE VII.—JUDICIAL DEPARTMENT. (ARTS. 125-152.)

SECTION 1.—*Judicial Power, where Vested—Establishment of Additional Courts.*

The judicial power of the State shall be vested in one supreme court; in circuit courts; in county and probate courts; and in justices of the peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established; and, when deemed expedient, may establish separate courts of chancery. (Art. 144.)

SECTION 2.—*Supreme Court—Chief Justice—Quorum.*

The supreme court shall be composed of three judges (Art. 149), one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two judges shall in every case, be necessary to a decision.

SECTION 3.—*Increase of Number of Judges of Supreme Court.*

When the population of the State shall amount to one million, the General Assembly may, if deemed necessary, increase the number of judges (Art. 149) of the supreme court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or a decision.

SECTION 4.—*General Jurisdiction of Supreme Court—Jurisdiction of Individual Judges of Supreme Court.*

The supreme court, except in cases otherwise provided by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the State, under such restrictions as may from time to time be prescribed by law. It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of error and *supersedeas*, *certiorari*, *habeas corpus*, prohibition, *mandamus*, and *quo warranto*, and other remedial writs; and to hear and determine the same. Its judges shall be conservators of the peace throughout the State, and shall severally have the power to issue any of the aforesaid writs.

SECTION 5.—*Jurisdiction of Supreme Court in Quo Warranto.*

In the exercise of original jurisdiction, the supreme court shall have power to issue writs of *quo warranto* to the circuit judges and chancellors, when created, and to officers of political corporations when the question involved is the legal existence of such corporations.

SECTION 6.—*Qualifications of Judges of Supreme Court—Election—Term of Office.*

A judge of the Supreme Court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States, and two years a resident of the State; and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the supreme court shall be elected by the qualified electors of the State, and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the court, after the first election under this con-

stitution, the judges shall, by lot, divide themselves into three classes; one of which shall hold his office for four, one for six, and the other for eight years; after which each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.

SECTION 7.—*Clerk and Reporter of Supreme Court—Term of Office.*

The supreme court shall appoint its clerk and reporter; who shall hold their offices for six years, subject to removal for good cause.

SECTION 8.—*Terms of Supreme Court.*

The terms of the supreme court shall be held at the seat of government, at the times that now are, or may be, provided by law.

SECTION 9.—*Special Judges of Supreme Court.*

In case all, or any, of the judges of the supreme court, shall be disqualified from presiding in any cause or causes, the court, or the disqualified judge, shall certify the same to the governor, who shall immediately commission the requisite number of men learned in the law, to sit in the trial and determination of such causes.

SECTION 10.—*Compensation of Supreme Judges—Disqualification to Hold Other Office.*

The supreme judges shall at stated times receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next General Assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the State or the United States.

SECTION 11.—*General Jurisdiction of Circuit Courts.*

The circuit court shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this constitution.

SECTION 12.—*Terms of Circuit Courts.*

The circuit courts shall hold their terms in each county, at such times and places as are, or may be, prescribed by law.

SECTION 13.—*Judicial Circuits—Judge of Circuit Court to Reside and be Conservator of Peace in His Circuit.*

The State shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected; who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.

SECTION 14.—*Superintending and Appellate Jurisdiction of Circuit Courts.*

The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas, and corporation courts and justices of the peace; and shall have power to issue, hear, and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.

SECTION 15.—*Equity Jurisdiction of Circuit Courts.*

Until the General Assembly shall deem it expedient to establish courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the supreme court, in such manner as may be prescribed by law.

SECTION 16.—*Qualifications of Judges of Circuit Courts.*

A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

SECTION 17.—*Election of Judges of Circuit Courts—Term of Office.*

The judges of the circuit courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

SECTION 18.—*Compensation of Judges of Circuit Courts—Disqualification to Hold Other Office.*

The judges of the circuit courts shall at stated times receive a compensation (Art. 149) for their services to be ascertained by law, which shall not, after the adjournment of the first session of the General Assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

SECTION 19.—*Clerks of Circuit Courts—Election—Term of Office—To be ex officio County and Probate Clerks and Recorders—Separate County Clerk in Certain Counties—To Be ex officio Probate Clerk.*

The clerks of the circuit courts shall be elected by the qualified electors of the several counties, for the term of two years, and shall be *ex officio* clerks of the county and probate courts, and recorder. Provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last Federal census, there shall be elected

a county clerk, in like manner as clerk of the circuit court, who shall be *ex officio* clerk of the probate court of said county.

SECTION 20.—*Interest, Consanguinity, etc., to Disqualify Judge from Presiding at Trial.*

No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel; or have presided in any inferior court.

SECTION 21.—*Special Judges for Circuit Courts—Powers of Special Judges—Their Qualifications.*

Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock A. M. on the second day of the term and elect a judge to preside at such court, or until the regular judge shall appear; and if the judge of said court shall become sick, or die, or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court elect a judge to preside at such court, or to try said causes; and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceedings shall be entered at large upon the record. The special judge shall be learned in the law, and a resident of the State.

SECTION 22.—*Exchange of Circuits.*

The judges of the circuit courts may temporarily exchange circuits, or hold courts for each other under such regulations as may be prescribed by law.

SECTION 23.—*Charges to Juries.*

Judges shall not charge juries with regard to matters of fact, but shall declare the law; and, in jury trials shall reduce their charge or instructions to writing, on the request of either party.

SECTION 24.—*Prosecuting Attorneys—Term of Office—Qualifications.*

The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years; and he shall be a citizen of the United States, learned in the law, and a resident of the circuit court for which he may be elected.

SECTION 25.—*Judges Prohibited from Practice of Law.*

The judges of the supreme, circuit, or chancery courts shall not, during their continuance in office, practice law, or appear as counsel in any court, State or Federal, within this State.

SECTION 26.—*Contempts not in Presence of Court or Disobedience of Process.*

The General Assembly shall have power to regulate, by law, the punishment of contempts not committed in the presence or hearing of the courts, or in disobedience of process.

SECTION 27.—*Removal of County and Township Officers.*

The circuit court shall have jurisdiction upon information, presentment, or indictment, to remove any county or

township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

SECTION 28.—*Jurisdiction of County Courts—County Court to Be Held by One Judge.*

The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties. The county court shall be held by one judge, except in cases otherwise herein provided.

SECTION 29.—*Judges of County Courts—Election—Term of Office—Qualifications.*

The judge of the county court shall be elected by the qualified electors of the county, for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education, and a resident of the State for two years before his election; and a resident of the county at the time of his election and during his continuance in office.

SECTION 30.—*Quorum of the County—Powers—Majority Must Sit—Compulsory Attendance.*

The justices of the peace of each county shall sit with and assist the county judge in levying the county taxes, and in making appropriations for the expenses of the county, in the manner to be prescribed by law (Art. 82); and the county judge, together with a majority of said justices, shall constitute a quorum for such purposes; and in the absence of the county judge a majority of the justices of the peace may constitute the court, who shall elect one of

their number to preside. The General Assembly shall regulate by law the manner of compelling the attendance of such quorum.

SECTION 31.—*Terms of County Courts.*

The terms of the county courts (Art. 48) shall be held at the times that are now prescribed for holding the supervisors' courts, or may hereafter be prescribed by law.

SECTION 32.—*Courts of Common Pleas—Jurisdiction.*

The General Assembly may authorize the judge of the county court of any one or more counties, to hold severally a quarterly court of common pleas (Art. 148) in their respective counties; which shall be a court of record, with such jurisdiction in matters of contract and other civil matters not involving title to real estate, as may be vested in such court.

SECTION 33.—*Appeals from County Courts and Courts of Common Pleas.*

Appeals from all judgments of county courts or courts of common pleas, when established, may be taken to the circuit court under such restrictions and regulations as may be prescribed by law.

SECTION 34.—*Courts of Probate—Jurisdiction—Terms.*

The judge of the county court shall be the judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind, and their estates, as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the court of probate shall be held at the times that may hereafter be prescribed by law.

SECTION 35.—*Appeals from Probate Courts.*

Appeals may be taken from judgments and orders of the probate court to the circuit court, under such regulations and restrictions as may be prescribed by law.

SECTION 36.—*Special Judges for County and Probate Courts.*

Whenever a judge of the county or probate court may be disqualified from presiding, in any cause or causes pending in his court, he shall certify the facts to the governor of the State, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

SECTION 37.—*Compensation of County Judge—His Jurisdiction in Absence of Circuit Judge from County.*

The county judge shall receive such compensation (Art. 50) for his services as presiding judge of the county court, as judge of the court of probate, and judge of the court of common pleas, when established, as may be provided by law. In the absence of the circuit judge from the county the county judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction: Provided, that either party may have such order reviewed by any superior judge in vacation in such manner as shall be provided by law. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear, and determine writs of *habeas corpus*, under such regulations and restrictions as shall be provided by law.

SECTION 38.—*Justices of the Peace—Term of Office—Commission.*

The qualified electors of each township shall elect the justices of the peace for the term of two years; who shall

be commissioned by the governor, and their official oath shall be indorsed on the commission.

SECTION 39.—*Number of Justices of the Peace.*

For every two hundred electors there shall be elected one justice of the peace; but every township, however small, shall have two justices of the peace.

SECTION 40.—*Jurisdiction of Justices of the Peace—1st, Exclusive of Circuit Court—2d, Concurrent with Circuit Court—3d, In Misdemeanors—4th, As Examining Courts, and in Binding to Keep the Peace—5th, To Issue Process—6th, As Conservators of the Peace—Denied Jurisdiction in Questions of Land.*

They shall have original jurisdiction in the following matters: First, Exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest; and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest. Second, Concurrent jurisdiction in suits for the recovery of personal property, where the value of the property does not exceed the sum of three hundred dollars; and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars. Third, Such jurisdiction of misdemeanors as is now, or may be prescribed by law. Fourth, To sit as examining courts and commit, discharge, or recognize offenders to the court having jurisdiction, for further trial; and to bind persons to keep the peace or for good behavior. Fifth, For the foregoing purposes, they shall have power to issue all necessary process. Sixth, They shall be conservators of the peace within their respective counties: Provided, a justice of the peace shall not have jurisdiction where a lien on land, or title or possession thereto, is involved.

SECTION 41.—*Qualifications of Justices of the Peace.*

A justice of the peace shall be a qualified elector and a resident of the township for which he is elected.

SECTION 42.—*Appeals from Justices of the Peace.*

Appeals may be taken from the final judgments of the justices of the peace, to the circuit courts, under such regulations as are now, or may be provided by law.

SECTION 43.—*Jurisdiction of Corporation Courts.*

Corporation courts, for towns and cities, may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the General Assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offences not punishable by death, or imprisonment in the penitentiary, with or without indictment, as may be provided by law; and, until the General Assembly shall otherwise provide, they shall have the jurisdiction now provided by law.

SECTION 44.—*Pulaski Chancery Court—Term of Office of Judge and Clerk—Election—Proceedings Relative to Sixteenth-Section Lands.*

The Pulaski chancery court shall continue in existence until abolished by law, or the business pending the adoption of this constitution shall be disposed of, or the pending business be transferred to other courts. The judge and clerk of said court shall hold office for the term of two years; and shall be elected by the qualified voters of the State. All suits and proceedings which relate to sixteenth-section lands, or to money due for said lands shall be transferred to the respective counties where such lands are located, in such manner as shall be provided by the General Assembly at the next session.

SECTION 45.—*Separate Criminal Courts Abolished—Their Jurisdiction Transferred to Circuit Courts—Their Records.*

The separate criminal courts established in this State are hereby abolished, and all the jurisdiction exercised by said criminal courts is vested in the circuit courts of the respective counties; and all causes now pending therein are hereby transferred to said circuit courts respectively. It shall be the duty of the clerks of said criminal courts to transfer all the records, books, and papers pertaining to said criminal courts to the circuit courts of their respective counties.

SECTION 46.—*County Executive Officers—Term of Office—Compensation of Assessors.*

The qualified electors of each county shall elect one sheriff, who shall be *ex officio* collector of taxes, unless otherwise provided by law (Art. 57); one assessor, one coroner, one treasurer, who shall be *ex officio* treasurer of the common-school fund of the county, and one county surveyor, for the term of two years, with such duties as are now or may be prescribed by law: Provided, that no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

SECTION 47.—*Constables—Their Commissions.*

The qualified electors of each township shall elect a constable, for the term of two years, who shall be furnished by the presiding judge of the county court, with a certificate of election, on which his official oath shall be indorsed.

SECTION 48.—*Commissions of Officers.*

All officers provided for in this article, except constables, shall be commissioned by the governor.

SECTION 49.—*Style of Process and Indictments.*

All writs and other judicial process, shall run in the name of the State of Arkansas, bear test, and be signed by

the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the State of Arkansas."

SECTION 50.—*Vacancies in Offices Provided for in Art. VII.*

All vacancies (Art. 38) occurring in any office provided for in this article, shall be filled by special election; save that in case of vacancies occurring in county and township offices six months, and in other offices nine months, before the next general election, such vacancies shall be filled by appointment by the governor.

SECTION 51.—*Appeals in Case of Allowances for or Against Counties, Cities, or Towns—Appeal Bond.*

That in all cases of allowances made for or against counties, cities, or towns, an appeal shall lie to the circuit court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax-payer of such county, city, or town, on the same terms and conditions on which appeals may be granted to the circuit court in other cases; and the matter pertaining to any such allowance shall be tried in the circuit court *de novo*. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to prosecute the appeal, and save the county from costs on account of the same being taken.

SECTION 52.—*Contested Elections for County, Township, or Municipal Offices.*

That in all cases of contest for any county, township, or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council, or tribunal to the circuit court, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and on such appeals the case shall be tried *de novo*.

ARTICLE VIII.—APPORTIONMENT. (ART. 93.)

SECTION 1.—*Number of Representatives—Ratio of Representation—Apportionment of Representatives.*

The House of Representatives shall consist of not less than seventy-three, nor more than one hundred members. Each county now organized shall always be entitled to one representative; the remainder to be apportioned to the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of representatives amounts to one hundred, when they shall not be further increased, but the ratio of representation shall, from time to time, be increased as hereinafter provided; so that the representatives shall never exceed that number. And until the enumeration of the inhabitants is taken by the United States government A. D. 1880, the representatives shall be apportioned among the several counties as follows:

The county of Arkansas shall elect one representative. The county of Ashley shall elect one representative. The county of Benton shall elect two representatives. The county of Boone shall elect one representative. The county of Bradley shall elect one representative. The county of Baxter shall elect one representative. The county of Calhoun shall elect one representative. The county of Carroll shall elect one representative. The county of Chicot shall elect one representative. The county of Columbia shall elect two representatives. The county of Clark shall elect two representatives. The county of Conway shall elect one representative. The county of Craighead shall elect one representative. The county of Crawford shall elect one representative. The county of Cross shall elect one representative. The county of Crittenden shall elect one representative. The county of Clayton shall elect one representative. The county of Dallas shall elect one representative. The county of Desha shall elect one representative. The county of Drew shall elect one representative. The county

of Dorsey shall elect one representative. The county of Franklin shall elect one representative. The county of Fulton shall elect one representative. The county of Faulkner shall elect one representative. The county of Grant shall elect one representative. The county of Greene shall elect one representative. The county of Garland shall elect one representative. The county of Hempstead shall elect two representatives. The county of Hot Springs shall elect one representative. The county of Howard shall elect one representative. The county of Independence shall elect two representatives. The county of Izard shall elect one representative. The county of Jackson shall elect one representative. The county of Jefferson shall elect three representatives. The county of Johnson shall elect one representative. The county of Lafayette shall elect one representative. The county of Lawrence shall elect one representative. The county of Little River shall elect one representative. The county of Lonoke shall elect two representatives. The county of Lincoln shall elect one representative. The county of Lee shall elect two representatives. The county of Madison shall elect one representative. The county of Marion shall elect one representative. The county of Monroe shall elect one representative. The county of Montgomery shall elect one representative. The county of Mississippi shall elect one representative. The county of Nevada shall elect one representative. The county of Newton shall elect one representative. The county of Ouachita shall elect two representatives. The county of Perry shall elect one representative. The county of Phillips shall elect three representatives. The county of Pike shall elect one representative. The county of Polk shall elect one representative. The county of Pope shall elect one representative. The county of Poinsett shall elect one representative. The county of Pulaski shall elect four representatives. The county of Prairie shall elect one representative. The county of Randolph shall elect one representative. The county of Saline shall elect one representative. The

county of Sarber shall elect one representative. The county of Scott shall elect one representative. The county of Searcy shall elect one representative. The county of Sebastian shall elect two representatives. The county of Sevier shall elect one representative. The county of St. Francis shall elect one representative. The county of Stone shall elect one representative. The county of Union shall elect two representatives. The county of Van Buren shall elect one representative. The county of Washington shall elect three representatives. The county of White shall elect two representatives. The county of Woodruff shall elect one representative. The county of Yell shall elect one representative. The county of Sharp shall elect one representative.

SECTION 2.—*Division of State into Senatorial Districts—Ratio of Representation in Senate—Present Senatorial Districts and Apportionment of Senators—Number of Senators.*

The Legislature shall, from time to time, divide the State into convenient senatorial districts (Art. 102) in such manner that the Senate shall be based upon the adult male inhabitants of the State; each senator representing an equal number as nearly as practicable, and until the enumeration of the inhabitants is taken by the United States government A. D. 1880, the districts shall be arranged as follows:

The counties of Greene, Craighead, and Clayton shall compose the first district, and elect one senator.

The counties of Randolph, Lawrence, and Sharp shall compose the second district, and elect one senator.

The counties of Carroll, Boone, and Newton shall compose the third district, and elect one senator.

The counties of Johnson and Pope shall compose the fourth district, and elect one senator.

The county of Washington shall compose the fifth district, and elect one senator.

The counties of Independence and Stone shall compose the sixth district, and elect one senator.

The counties of Woodruff, St. Francis, Cross, and Crittenden shall compose the seventh district, and elect one senator.

The counties of Yell and Sarber shall compose the eighth district, and elect one senator.

The counties of Saline, Garland, Hot Springs, and Grant shall compose the ninth district, and elect one senator.

The counties of Pulaski and Perry shall compose the tenth district, and elect two senators.

The county of Jefferson shall compose the eleventh district, and elect one senator.

The counties of Lonoke and Prairie shall compose the twelfth district, and elect one senator.

The counties of Arkansas and Monroe shall compose the thirteenth district, and elect one senator.

The counties of Phillips and Lee shall compose the fourteenth district, and elect one senator.

The counties of Desha and Chicot shall compose the fifteenth district, and elect one senator.

The counties of Lincoln, Dorsey, and Dallas shall compose the sixteenth district, and elect one senator.

The counties of Drew and Ashley shall compose the seventeenth district, and elect one senator.

The counties of Bradley and Union shall compose the eighteenth district, and elect one senator.

The counties of Calhoun and Ouachita shall compose the nineteenth district, and elect one senator.

The counties of Hempstead and Nevada shall compose the twentieth district, and elect one senator.

The counties of Columbia and Lafayette shall compose the twenty-first district, and elect one senator.

The counties of Little River, Sevier, Howard, and Polk shall compose the twenty-second district, and elect one senator.

The counties of Fulton, Izard, Marion, and Baxter shall compose the twenty-third district, and elect one senator.

The counties of Benton and Madison shall compose the twenty-fourth district, and elect one senator.

The counties of Crawford and Franklin shall compose the twenty-fifth district, and elect one senator.

The counties of Van Buren, Conway, and Searcy shall compose the twenty-sixth district, and elect one senator.

The counties of White and Faulkner shall compose the twenty-seventh district, and elect one senator.

The counties of Sebastian and Scott shall compose the twenty-eighth district, and elect one senator.

The counties of Poinsett, Jackson, and Mississippi shall compose the twenty-ninth district, and elect one senator.

The counties of Clark, Pike, and Montgomery shall compose the thirtieth district, and elect one senator.

And the Senate shall never consist of less than thirty nor more than thirty-five members. (Art. 101.)

SECTION 3.—*Principles of Formation of Senatorial Districts.*

Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senatorial district.

SECTION 4.—*Apportionments—When to be Made.*

The division of the State into senatorial districts, and the apportionment of representatives to the several counties, shall be made by the General Assembly at the first regular session after each enumeration of the inhabitants of the State by the Federal or State governments shall have been ascertained, and at no other time.

ARTICLE IX.—EXEMPTION.

SECTION 1.—*Exemption of Personal Property of Persons Other than Heads of Families, from Seizure for Debt.*

The personal property of any resident of this State, who is not married or the head of a family, in specific articles

to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution or other process from any court issued for the collection of any debt by contract: Provided, that no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

SECTION 2.—*Exemption of Personal Property of Heads of Families.*

The personal property of any resident of this State, who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution or other process from any court, on debt by contract.

SECTION 3.—*Homestead Exemption.*

The homestead of any resident of this State, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase money, or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity.

SECTION 4.—*Extent of Exemption of Homestead Situate Outside City, Town, or Village.*

The homestead outside any city, town, or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improve-

ments thereon, to be selected by the owner: Provided, the same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

SECTION 5.—*Extent of Exemption of Homestead in City, Town, or Village.*

The homestead in any city, town, or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner: Provided, the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, without regard to value.

SECTION 6.—*Homestead Exemption for Benefit of Widow—Proviso—Rights of Children During Minority.*

If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life: Provided, that if the owner leaves children, one or more, said child or children shall share with said widow, and be entitled to half the rents and profits till each of them arrives at twenty-one years of age—each child's rights to cease at twenty-one years of age, and the shares to go to the younger children; and then all go to the widow: And provided, that said widow or children may reside on the homestead or not. And in case of the death of the widow, all of said homestead shall be vested in the minor children of the testator or intestate.

SECTION 7.—*Separate Property of Married Women.*

The real and personal property of any *femme covert* in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so

long as she may choose, be and remain her separate estate and property, and may be devised, bequeathed, or conveyed by her the same as if she were a *femme sole*, and the same shall not be subject to the debts of her husband.

SECTION 8.—*Scheduling of Separate Personal Property of Married Women.*

The General Assembly shall provide for the time and mode of scheduling the separate personal property of married women.

SECTION 9.—*Effect of Exemptions of Constitution of 1868.*

The exemptions contained in the Constitution of 1868 shall apply to all debts contracted since the adoption thereof, and prior to the adoption of this constitution.

SECTION 10.—*Homestead Exemption for Benefit of Minor Orphan Children.*

The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

ARTICLE X.—AGRICULTURE, MINING, AND MANUFACTURE.

SECTION 1.—*Agricultural, Mining, and Manufacturing Interests of State—Mining, Manufacturing, and Agricultural Bureau.*

The General Assembly shall pass such laws as will foster and aid the agricultural, mining, and manufacturing interests of the State, and may create a bureau to be known as the Mining, Manufacturing and Agricultural Bureau. (Art. 171.)

SECTION 2.—*State Geologist—Term of Office—Duties—Compensation—Removal.*

The General Assembly, when deemed expedient, may create the office of State geologist (Art. 173), to be appointed

by the governor, by and with the advice and consent of the Senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law: Provided, that he shall be at all times subject to removal by the governor for incompetency or gross neglect of duty.

SECTION 3.—*Exemption from Taxation, of Mines and Manufactures.*

The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this constitution the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

ARTICLE XI.—MILITIA.

SECTION 1.—*Persons Liable to Military Duty—Organization of Militia.*

The militia shall consist of all able-bodied male persons, residents of the State, between the ages of eighteen and forty-five years; except such as may be exempted by the laws of the United States or this State; and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

SECTION 2.—*Volunteer Companies.*

Volunteer companies of infantry, cavalry, or artillery may be formed in such manner and with such restrictions as may be provided by law.

SECTION 3.—*Privilege of Militia from Arrest, at Muster, etc.*

The volunteer and militia forces shall in all cases (except treason, felony, and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

SECTION 4.—*Authority to Call Out Volunteers and Militia.*

The governor shall, when the General Assembly is not in session, have power to call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection, and preserve the public peace, in such manner as may be authorized by law.

ARTICLE XII.—MUNICIPAL AND PRIVATE CORPORATIONS.
(Art. 175.)SECTION 1.—*Revocation of Existing Charters and Grants, for Non-User.*

All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

SECTION 2.—*Limitation of Power of Incorporation, by Special Act.*

The General Assembly shall pass no special act conferring corporate powers except for charitable, educational, penal, or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the State.

SECTION 3.—*Incorporation of Cities and Towns—Restriction of Powers.*

The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns; and restrict their power of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.

SECTION 4.—*Limitation of Legislative Power of Municipal Corporations, and of Their Power of Taxation—Payment of Existing Indebtedness.*

No municipal corporation shall be authorized to pass any laws contrary to the general laws of the State; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same: Provided, that to pay indebtedness existing at the time of the adoption of this constitution, an additional tax of not more than five mills on the dollar may be levied.

SECTION 5.—*Municipal Corporations Not to Become Stockholders, or Financially Assist Corporations, etc.*

No county, city, town, or municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution, or individual.

SECTION 6.—*General Incorporation Laws—Power of Alteration and Revocation.*

Corporations may be formed under general laws, which laws may, from time to time, be altered or repealed. The General Assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done the corporators.

SECTION 7.—*State Not to be Interested in Stock of Corporations, etc.*

Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in the stock of any corporation or association.

SECTION 8.—*Issue and Increase of Stock, etc., of Private Corporations.*

No private corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws, nor until the consent of the persons holding the larger amount, in value, of stock, shall be obtained at a meeting held after notice given for a period not less than sixty days, in pursuance of law.

SECTION 9.—*Compensation of Property and Right of Way, Taken for Use of Corporations.*

No property, nor right of way, shall be appropriated to the use of any corporation, until full compensation therefor shall first be made to the owner in money; or first secured to him by a deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

SECTION 10.—*Legislation Authorizing Issue of Circulating Paper Prohibited.*

No act of the General Assembly shall be passed authorizing the issue of bills, notes, or other paper which may circulate as money.

SECTION 11.—*Foreign Corporations.*

Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law: Provided, that no such corporation shall do any business in this State, except while it maintains therein one or more known places of business, and an authorized agent or agents in the same, upon whom pro-

cess may be served; and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations, and liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges, or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

SECTION 12.—*State Not to Assume Liabilities of Counties or Corporations—Exceptions—Indebtedness of Corporations to State.*

Except as herein otherwise provided, the State shall never assume, or pay the debt or liability of any county, town, city, or other corporation whatever; or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence. Nor shall the indebtedness of any corporation to the State ever be released, or in any manner discharged save by payment into the public treasury.

ARTICLE XIII.

COUNTIES, COUNTY SEATS, AND COUNTY LINES.

SECTION 1.—*Minimum Limits of Counties Prescribed—Exceptions.*

No county now established shall be reduced to an area of less than six hundred square miles nor to less than five thousand inhabitants; nor shall any new county be established with less than six hundred square miles and five thousand inhabitants: Provided, that this section shall not apply to the counties of Lafayette, Pope, and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the counties of Pope and Johnson.

SECTION 2.—*Consent of Voters of Territory Affected, Requisite to Change County Lines.*

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the voters in such part proposed to be taken off.

SECTION 3.—*Changes of County Seats—County Seats of New Counties.*

No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county seat shall be fully designated: Provided, that, in formation of new counties, the county seat may be located temporarily by provisions of law.

SECTION 4.—*Lines of New Counties.*

In the formation of new counties, no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette county.

SECTION 5.—*Division of Sebastian County into Two Districts.*

Sebastian county may have two districts, and two county seats at which county, probate, and circuit courts shall be held as may be provided by law, each district paying its own expenses.

ARTICLE XIV.—EDUCATION. (ART. 16.)

SECTION 1.—*Free School System.*

Intelligence and virtue being the safeguards of liberty, and the bulwark of a free and good government, the State shall ever maintain a general, suitable, and efficient system of free schools, whereby all persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction.

SECTION 2.—*School Funds to be Used Exclusively for Purposes for Which Set Apart.*

No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

SECTION 3.—*State School Tax—Poll Tax for School Fund—School District Tax.*

The General Assembly shall provide, by general laws, for the support of common schools by taxes (Art. 18), which shall never exceed in any one year two mills on the dollar on the taxable property of the State; and by an annual *per capita* tax of one dollar, to be assessed on every male inhabitant of this State over the age of twenty-one years: Provided, the General Assembly may, by general law, authorize school districts to levy, by a vote of the qualified electors of such district, a tax not to exceed five mills on the dollar in any one year for school purposes: Provided, further, that no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.

SECTION 4.—*Supervision of Public Schools, Etc.*

The supervision of public schools, and the execution of the laws regulating the same, shall be vested in, and confided to, such officers as may be provided for by the General Assembly. (Arts. 76 and 169.)

ARTICLE XV.—IMPEACHMENT AND ADDRESS.

SECTION 1.—*Impeachments—Judgment.*

The governor and all State officers, judges of the supreme and circuit courts, chancellors, and prosecuting attorneys, shall be liable to impeachment for high crimes and misdemeanors, and gross misconduct in office; but the judgment

shall go no further than removal from office and disqualification to hold any office of honor, trust, or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.

SECTION 2.—*Power of Impeachment.*

The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The chief justice shall preside, unless he is impeached or otherwise disqualified, when the Senate shall elect a presiding officer.

SECTION 3.—*Removal upon Address.*

The governor, upon the joint address of two-thirds of the members elected to each house of the General Assembly, for good cause, may remove the auditor, treasurer, secretary of state, attorney-general, judges of the supreme and circuit courts, chancellors, and prosecuting attorneys.

ARTICLE XVI.—FINANCE AND TAXATION. (ART. 79.)

SECTION 1.—*Loan of Public Credit, and Issue of Interest-Bearing Evidences of Public Indebtedness, Except to Pay Present Debt, Prohibited.*

Neither the State, nor any city, county, town, or other municipality in this State, shall ever loan its credit for any purpose whatever. Nor shall any county, city, town, or municipality ever issue any interest-bearing evidences of indebtedness; except such bonds as may be authorized by law to provide for, and secure the payment of, the present existing indebtedness. And the State shall never issue any interest-bearing treasury warrants or scrip.

SECTION 2.—*Payment of State Debt.*

The General Assembly shall, from time to time, provide for the payment of all just and legal debts of the State.

SECTION 3.—*Misappropriation of Public Moneys.*

The making of profit out of public moneys or using the same for any purpose not authorized by law, by any officer of the State or member or officer of the General Assembly, shall be punishable as may be provided by law; but part of such punishment shall be disqualification to hold office in this State for a period of five years.

SECTION 4.—*Salaries and Fees—Clerks, etc., of Departments of State.*

The General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law shall be paid to any officer, employee, or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law.

SECTION 5.—*Uniform Rule of Taxation—Taxation of Privileges, etc.—Property Exempt from Taxation.*

All property subject to taxation shall be taxed according to its value (Art. 65); that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value: Provided, the General Assembly shall have power, from time to time, to tax hawkers, peddlers, ferries, exhibitions, and privileges, in such manner as may be deemed proper: Provided, further, that the following property shall be exempt from taxation: Public property used exclusively for public purposes; churches used as such; cemeteries

used exclusively as such; school buildings and apparatus; libraries and grounds used exclusively for school purposes; and buildings and grounds and materials used exclusively for public charity.

SECTION 6.—*Exemption by Statutory Enactment, Void.*

All laws exempting property from taxation other than as provided in this constitution shall be void.

SECTION 7.—*Taxation of Corporate Property.*

The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State may be a party.

SECTION 8.—*Maximum Rate of State Taxes.*

The General Assembly shall not have power to levy State taxes for any one year to exceed, in the aggregate, one per cent. of the assessed valuation of the property of the State for that year.

SECTION 9.—*Maximum Rate of County Taxes.*

No county shall levy a tax to exceed one-half of one per cent. for all purposes; but may levy an additional one-half of one per cent. to pay indebtedness existing at the time of the ratification of this constitution.

SECTION 10.—*County and Municipal Taxes, in what Payable.*

The taxes of counties, towns, and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns, and cities respectively.

SECTION 11.—*Levy and Specific Appropriation of Taxes.*

No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for one purpose shall be used for any other purpose.

SECTION 12.—*Disbursements.*

No money shall be paid out of the treasury until the same shall have been appropriated by law, and then only in accordance with said appropriation.

SECTION 13.—*Right of Citizen to Sue in Behalf of Inhabitants of County or Municipality.*

Any citizen of any county, city, or town may institute suit, in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

ARTICLE XVII.—RAILROADS, CANALS, AND TURNPIKES.

SECTION 1.—*Railroads, etc., Public Highways—Transportation Companies Common Carriers—Right to Construct Railroads—Intersection and Connection of Railroads.*

All railroads, canals, and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other road, and shall receive and transport, each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SECTION 2.—*Transportation Companies to Maintain Office in State—Transfers of Stock—Books.*

Every railroad, canal, or turnpike corporation operated or partly operated in this State, shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation; in which shall be

recorded the amount of capital stock subscribed or paid in and the amounts owned by them respectively, the transfers of said stock and the names and places of residence of the officers.

SECTION 3.—*Equal Right to Transportation—Regulation of Charges.*

All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads, canals, and turnpikes; and no undue or unreasonable discrimination shall be made in charges for or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station. But excursion and commutation tickets may be issued at special rates.

SECTION 4.—*Parallel or Competing Lines of Transportation Not to be Consolidated, or Controlled by Same Parties.*

No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad, canal, or corporation shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury, as in other civil issues.

SECTION 5.—*Prohibitions upon Officers, etc., of Transportation Companies.*

No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of materials or supplies to such company; or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

SECTION 6.—*Discrimination of Charges Between Transportation Companies and Individuals, or in Furnishing Cars or Motive Power, Prohibited.*

No discrimination, in charges or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement, drawback, or otherwise; and no railroad or canal company, or any lessee, manager, or employee thereof shall make any preferences in furnishing cars or motive power.

SECTION 7.—*General Assembly to Prevent Grant of Free Passes to Officers of the State.*

The General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this State, legislative, executive, or judicial.

SECTION 8.—*Condition of Remission of Forfeiture of Charter, or Legislation Favorable to Corporations.*

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SECTION 9.—*Eminent Domain over Property of Corporations.*

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals.

SECTION 10.—*Legislation to Correct Abuses by Transportation Companies.*

The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal, and turnpike companies, for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.*

SECTION 11.—*Movable Property of Railroad Corporations Personal Property, and not to be Exempted from Execution.*

The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.

SECTION 12.—*Damages, by Railroads, to Person and Property.*

All railroads which are now or may be hereafter built and operated either in whole or in part in this State, shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the General Assembly.

SECTION 13.—*Annual Report of Railroad Companies to Auditor.*

The directors of every railroad corporation shall annually make a report under oath to the auditor of public accounts,

*Altered by Amendment No. 4.

of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

ARTICLE XVIII.—JUDICIAL CIRCUITS. (ART. 130.)

Judicial Circuits—Terms of Circuit Courts.

Until otherwise provided by the General Assembly, the judicial circuits shall be composed of the following counties:

First—Phillips, Lee, St. Francis, Prairie, Woodruff, White, and Monroe. Second—Mississippi, Crittenden, Cross, Poinsett, Craighead, Greene, Clayton, and Randolph. Third—Jackson, Independence, Lawrence, Sharp, Fulton, Izard, Stone, and Baxter. Fourth—Marion, Boone, Searcy, Newton, Madison, Carroll, Benton, and Washington. Fifth—Pope, Johnson, Franklin, Crawford, Sebastian, Sarber, and Yell. Sixth—Lonoke, Pulaski, Van Buren, and Faulkner. Seventh—Grant, Hot Springs, Garland, Perry, Saline, and Conway. Eighth—Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike, and Clark. Ninth—Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita, and Calhoun. Tenth—Chicot, Drew, Ashley, Bradley, Dorsey, and Dallas. Eleventh—Desha, Arkansas, Lincoln, and Jefferson.

Until otherwise provided by the General Assembly, the circuit courts shall be begun and held in the several counties as follows:

FIRST CIRCUIT.

White—First Monday in February and August. Woodruff—Third Monday in February and August. Prairie—Second Monday after the third Monday in February and August. Monroe—Sixth Monday after the third Monday in February and August. St. Francis—Eighth Monday after the third Monday in February and August. Lee—

Tenth Monday after the third Monday in February and August. Phillips—Twelfth Monday after the third Monday in February and August.

SECOND CIRCUIT.

Mississippi—First Monday in March and September. Crittenden—Second Monday in March and September. Cross—Second Monday after the second Monday in March and September. Poinsett—Third Monday after the second Monday in March and September. Craighead—Fourth Monday after the second Monday in March and September. Greene—Sixth Monday after the second Monday in March and September. Clayton—Seventh Monday after the second Monday in March and September. Randolph—Ninth Monday after the second Monday in March and September.

THIRD CIRCUIT.

Jackson—First Monday in March and September. Lawrence—Fourth Monday in March and September. Sharp—Second Monday after the fourth Monday in March and September. Fulton—Fourth Monday after the fourth Monday in March and September. Baxter—Sixth Monday after the fourth Monday in March and September. Izard—Seventh Monday after the fourth Monday in March and September. Stone—Ninth Monday after the fourth Monday in March and September. Independence—Tenth Monday after the fourth Monday in March and September.

FOURTH CIRCUIT.

Marion—Second Monday in February and August. Boone—Third Monday in February and August. Searcy—Second Monday after the third Monday in February and August. Newton—Third Monday after the third Monday in February and August. Carroll—Fourth Monday after the third Monday in February and August. Madison—Fifth Monday after the third Monday in February and August.

Benton—Sixth Monday after the third Monday in February and August. Washington—Eighth Monday after the third Monday in February and August.

FIFTH CIRCUIT.

Greenwood district, Sebastian county—Third Monday in February and August. Fort Smith district, Sebastian county—First Monday after the fourth Monday in February and August. Crawford county—Fourth Monday after the fourth Monday in February and August. Franklin county—Sixth Monday after the fourth Monday in February and August. Sarber county—Eighth Monday after the fourth Monday in February and August. Yell county—Tenth Monday after the fourth Monday in February and August. Pope county—Twelfth Monday after the fourth Monday in February and August. Johnson county—Fourteenth Monday after the fourth Monday in February and August.

SIXTH CIRCUIT.

In the county of Pulaski on the first Monday in February, and continue twelve weeks if the business of said court require it. In the county of Lonoke, on the first Monday succeeding the Pulaski court, and continue two weeks if the business of said court require it. In the county of Faulkner, on the first Monday after the Lonoke court, and continue two weeks if the business of said court require it. In the county of Van Buren, on the first Monday after the Faulkner court, and continue two weeks if the business of said court require it.

FALL TERM—SIXTH CIRCUIT.

In the county of Pulaski on the first Monday in October, and continue seven weeks if the business of said court require it. In the county of Lonoke, on the first Monday next after the Pulaski court and continue two weeks if the business of said court require it. In the county of

Faulkner, on the first Monday after the Lonoke court, and continue one week if the business of said court require it. In the county of Van Buren, on the first Monday after the Faulkner court, and continue one week if the business of said court require it.

SEVENTH CIRCUIT.

Hot Springs—Second Monday in March and September. Grant—Third Monday in March and September. Saline—Fourth Monday in March and September. Conway—Second Monday after fourth Monday in March and September. Perry—Fourth Monday after the fourth Monday in March and September. Garland—Fifth Monday after the fourth Monday in March and September.

EIGHTH CIRCUIT.

Montgomery—First Monday in February and August. Scott—First Monday after the first Monday in February and August. Polk—Second Monday after the first Monday in February and August. Sevier—Third Monday after the first Monday in February and August. Little River—Fifth Monday after the first Monday in February and August. Howard—Seventh Monday after the first Monday in February and August. Pike—Eighth Monday after the first Monday in February and August. Clark—Ninth Monday after the first Monday in February and August.

NINTH CIRCUIT.

Calhoun—First Monday in March and September. Union—Second Monday after the first Monday in March and September. Columbia—Fourth Monday after the first Monday in March and September. Lafayette—Sixth Monday after the first Monday in March and September. Hempstead—Eighth Monday after the first Monday in March and September. Nevada—Eleventh Monday after the first Monday in March and September. Ouachita—Thirteenth Monday after the first Monday in March and September.

TENTH CIRCUIT.

Dorsey—Third Monday in February and August. Dallas—First Monday in March and September. Bradley—Second Monday in March and September. Ashley—Third Monday in March and September. Drew—Second Monday after the third Monday in March and September. Chicot—Fourth Monday after the third Monday in March and September.

ELEVENTH CIRCUIT.

In the county of Desha on the first Monday in March and September. In the county of Arkansas on the fourth Monday in March and September. In the county of Lincoln on the third Monday after the fourth Monday in March and September. In the county of Jefferson on the sixth Monday after the fourth Monday in March and September.

ARTICLE XIX.—MISCELLANEOUS PROVISIONS.

SECTION 1.—*Disqualifications of Atheists.*

No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any court.

SECTION 2.—*Dueling.*

No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in the State, for a period of ten years; and may be otherwise punished as the law may prescribe.

SECTION 3.—*Electors, only, Qualified for Office.*

No person shall be elected to, or appointed to fill a vacancy in, any office, who does not possess the qualifications of an elector.

SECTION 4.—*Residence, etc., of Officers.*

All civil officers for the State at large shall reside within the State, and all district, county, and township officers within their respective districts, counties, and townships; and shall keep their offices at such places therein as are now, or may hereafter be, required by law.

SECTION 5.—*Officers to Continue in Office till Qualification of Successors.*

All officers shall continue in office after the expiration of their official terms, until their successors are elected and qualified.

SECTION 6.—*Plurality of Offices.*

No person shall hold, or perform the duties of, more than one office in the same department of the government, at the same time, except as expressly directed or permitted by this constitution.

SECTION 7.—*Forfeiture of Residence.*

Absence on business of the State or of the United States, or on a visit, or on necessary private business, shall not cause a forfeiture of residence once obtained.

SECTION 8.—*Deductions from Salaries of Officers.*

It shall be the duty of the General Assembly to regulate by law in what cases and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

SECTION 9.—*Creation of Permanent State Offices Prohibited.*

The General Assembly shall have no power to create any permanent State office, not expressly provided for by this constitution.

SECTION 10.—*Returns of Elections, to Whom Made.*

Returns for all elections for officers who are to be commissioned by the governor and for members of the General Assembly, except as otherwise provided by this constitution, shall be made to the secretary of state.

SECTION 11.—*Salaries of State Officers—Fees Pertaining to State Offices—Maximum Salaries of State Officers—Increase of Salaries of Members of General Assembly.*

The governor, secretary of state, auditor, treasurer, attorney-general, Judges of the supreme court, Judges of the circuit court, commissioner of state lands, and prosecuting attorneys shall each receive a salary* to be established by law, which shall not be increased or diminished during their respective terms, nor shall any of them, except the prosecuting attorneys, after the adoption of this constitution, receive to his own use any fees, costs, perquisites of office, or other compensation; and all fees that may hereafter be payable by law for any service performed by any officer mentioned in this section, except prosecuting attorneys, shall be paid in advance into the State treasury: Provided, that the salaries of the respective officers herein mentioned shall never exceed per annum:

For governor the sum of \$4,000; for secretary of state the sum of \$2,500; for treasurer the sum of \$3,000; for auditor the sum of \$3,000; for attorney-general the sum of \$2,500; for commissioner of state lands the sum of \$2,500; for judges of the supreme court, each the sum of \$4,000; for judges of the circuit courts and chancellors, each the sum of \$3,000; for prosecuting attorney the sum of \$400.

And provided, further, that the General Assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next General Assembly.

* Arts. 131, 136, 149, and 157.

SECTION 12.—*Publication of Receipts and Expenditures of Public Money.*

An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

SECTION 13.—*Usury—Rate of Interest.*

All contracts for a greater rate of interest than ten per centum per annum shall be void, as to principal and interest, and the General Assembly shall prohibit the same by law; but when no rate of interest is agreed upon, the rate shall be six per centum per annum.

SECTION 14.—*Lotteries Prohibited.*

No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

SECTION 15.—*Contracts for Stationery, Fuel, Printing, Furniture, etc., for State Government.*

All stationery, printing, paper, fuel, for the use of the General Assembly and other departments of government, shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the governor, auditor, and treasurer.

SECTION 16.—*Contracts for Public Buildings and Bridges, and Care of Paupers.*

All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor, or, for providing for the care and keeping of paupers, where there are no almshouses, shall be given to the lowest responsible bidder, under such regulations as may be provided by law.

SECTION 17.—*Revision, Publication, etc., of Laws.*

The laws of this State, civil and criminal, shall be revised, digested, arranged, published, and promulgated at such times, and in such manner as the General Assembly may direct.

SECTION 18.—*Security of Miners and Travellers.*

The General Assembly, by suitable enactments, shall require such appliances and means to be provided and used, as may be necessary to secure, as far as possible, the lives, health, and safety of persons employed in mining and of persons travelling upon railroads and by other public conveyances; and shall provide for enforcing such enactments by adequate pains and penalties.

SECTION 19.—*Education of Deaf and Dumb, Blind, and Insane.*

It shall be the duty of the General Assembly to provide, by law, for the support of institutions for the education of the deaf and dumb, and of the blind; and also for the treatment of the insane.

SECTION 20.—*Oath of Office.*

Senators and representatives and all judicial and executive State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices shall take and subscribe to the following oath or affirmation: "I ——— do solemnly swear (or affirm)

that I will support the Constitution of the United States, and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of — upon which I am now about to enter.”

SECTION 21.—*Sureties Upon Official Bonds.*

The sureties upon the official bonds of all State officers shall be residents of, and have sufficient property within, the State, not exempt from sale under execution, attachment, or other process of any court, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds.

SECTION 22.—*Amendments to Constitution, How Originated—To be Published, and Submitted to the People—Not More than Three to be Proposed or Submitted at Same Time—Separate Ratification of Each.*

Either branch of the General Assembly, at a regular session thereof, may propose amendments to this constitution; and if the same be agreed to by a majority of all the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for senators and representatives, at which time the same shall be submitted to the electors of the State, for approval or rejection; and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this constitution. But no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.

SECTION 23.—*Maximum of Officers' Salary and Fees—Disposition of Excess Received.*

No officer of this State, nor of any county, city, or town, shall receive directly or indirectly for salary, fees, and perquisites more than five thousand dollars net profits per annum in par funds, and any and all sums in excess of this amount shall be paid into the State, county, city, or town treasury, as shall hereafter be directed by appropriate legislation.

SECTION 24.—*Contested Elections not Herein Specifically Provided For.*

The General Assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this constitution.

SECTION 25.—*Seal of the State.*

The present seal of the State shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this constitution.

SECTION 26.—*Officers Eligible to Executive and Judicial Office.*

Militia officers, officers of the public schools, and notaries may be elected to fill any executive or judicial office.

SECTION 27.—*Assessments on Real Property, for Local Improvements, in Towns and Cities.*

Nothing in this constitution shall be so construed as to prohibit the General Assembly from authorizing assessments on real property for local improvements, in towns and cities under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property-holders owning property adjoining the locality to be affected. But such assessments shall be *ad valorem* and uniform.

SCHEDULE.

SECTION 1.—*Retention of Existing Laws—Effect of Exemption
Laws in Force at Adoption of Constitution of 1868—
Distinction Between Sealed and Unsealed Instruments.*

All laws now in force, which are not in conflict or inconsistent with this constitution, shall continue in force until amended or repealed by the General Assembly, and all laws exempting property from sale on execution or by decree of a court, which were in force at the time of the adoption of the constitution of 1868, shall remain in force with regard to contracts made before that time. Until otherwise provided by law, no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the constitution of 1868: Provided, that the statutes of limitation with regard to sealed and unsealed instruments in force at that time continue to apply to all instruments afterwards executed, until altered or repealed.

SECTION 2.—*Competency of Witnesses.*

In civil actions, no witness shall be excluded because he is a party to the suit, or interested in the issue to be tried: Provided, that in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with, or statements of, the testator, intestate, or ward, unless called to testify thereto by the opposite party: Provided, further, that this section may be amended or repealed by the General Assembly.

SECTION 3.—*First General Election for Officers, and Election
for Submission of Constitution to the People.*

An election shall be held at the several election precincts of every county of the State, on Tuesday, the 13th day of

October, 1874, for governor, secretary of state, auditor, treasurer, attorney-general, commissioner of state lands for two years, unless the office is sooner abolished by the General Assembly, chancellor, and clerk of the separate chancery court of Pulaski county, chief justice and two associate justices of the supreme courts, a circuit judge and prosecuting attorney for each judicial circuit provided for in this constitution, senators and representatives to the General Assembly, all county and township officers provided for in this constitution; and also for the submission of this constitution to the qualified electors of the State, for its adoption or rejection.

SECTION 4.—*Qualifications of Voters Thereat.*

The qualification of voters at the election to be held as provided in this schedule shall be the same as is now prescribed by law.

SECTION 5.—*Notice Thereof.*

The state board of supervisors hereinafter mentioned shall give notice of said election immediately after the adoption of this constitution by this convention, by proclamation, in at least two newspapers published at Little Rock, and such other newspapers as they may select. And each county board of supervisors shall give public notice, in their respective counties, of said election, immediately after their appointment.

SECTION 6.—*Governor's Proclamation Enjoining Good Order at Such Election.*

The governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election, and preventing any disturbance of the same.

SECTION 7.—*State Board of Supervisors of Election—Vacancies Therein.*

Augustus H. Garland, Gordon N. Peay, and Dudley E. Jones are hereby constituted a state board of supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said board by refusal to serve, death, removal, resignation, or otherwise, or if any member should become incapacitated from performing said duties, the remaining members of the board shall fill the vacancy by appointment. But if all the places on said board become vacant at the same time, the said vacancies shall be filled by the president of this convention.

SECTION 8.—*County Boards of Election Supervisors—Vacancies Therein.*

Said State board shall at once proceed to appoint a board of election supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State board. A majority of each board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the State board.

SECTION 9.—*Poll-Books and Ballot-Boxes for the Election.*

The State board shall provide the form of poll-books, and each county board shall furnish the judges of each election precinct with three copies of the poll-books in the form prescribed; and with ballot-boxes, at the expense of the county.

SECTION 10.—*Distribution, to Officers of the Election, of Copies of the Constitution.*

The State board of supervisors shall cause to be furnished,

in pamphlet form, a sufficient number of copies of this constitution to supply each county supervisor and judge of election with a copy; and shall forward the same to the county election boards for distribution.

SECTION 11.—*Judges of the Election and Election Clerks—
Cases of Absence of Judges of the Election from the Polls.*

The boards of county election supervisors shall at once proceed to appoint three judges of election for each election precinct in their respective counties, and the judges shall appoint three election clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the judges of any election precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

SECTION 12.—*Conduct of the Election—Qualifications of Voters,
How Decided—Registration.*

Said election shall be conducted in accordance with existing laws except as herein provided. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications, and the clerks of the election shall register their names on the poll-books, if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the constitution of this State, and then their votes shall be taken.

SECTION 13.—*Style of Ballot.*

Each elector shall have written or printed on his ticket "For Constitution" or "Against Constitution" and also the offices and the names of the candidates for the offices, for whom he desires to vote.

SECTION 14.—*Deposit of Tickets—Elector to Vote only in Township or Ward of Residence—Numbering of Tickets.*

The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall be placed on the ballots by the judges when deposited.

SECTION 15.—*Drinking Houses to be Closed on Day of the Election—Sale or Gift of Intoxicating Liquors Prohibited.*

All dram shops and drinking houses in this State shall be closed during the day of said election, and the succeeding night; and any person selling or giving away intoxicating liquors during said day or night shall be punished by fine of not less than two hundred dollars, for each and every offence, or imprisoned not less than six months, or both.

SECTION 16.—*Hours of Voting—Counting of Ballots—Disposition of Returns—Copies of Abstract of Returns, Ballots, and Poll-Books, Where Filed.*

The polls shall be opened at eight o'clock in the forenoon, and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting, as soon as the polls are closed, unless prevented by violence or accident; and the results by them certified on the poll-books, and the ballots sealed up. They shall be returned to the county board of election supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the constitution, and the number cast against the constitution, and also the number of votes cast for each candidate voted for, for any office; and shall forthwith forward to the state board of supervisors, duly certified by them, one copy of the statement or abstracts of the votes so made out by them, retain one copy in their possession, and file one copy in the office

of the county clerk, where they shall also deposit for safe-keeping the ballots sealed up, and one copy of the poll-books, retaining possession of the other copies.

SECTION 17.—*Ascertainment and Publication of Result of Election on Adoption of Constitution—Constitution, if Adopted, in Force from Date of Such Publication—Abstract of Returns of the Election, to be Filed with Secretary of State—List of Members of General Assembly, Elect, to be Certified to General Assembly—Abstract of Returns of Election of State Officers to be Certified to Speaker of House of Representatives, and the Result by Him Announced—State Officers Elected, When to Enter upon Their Duties.*

The State board of supervisors shall at once proceed, on receiving such returns from the county board, to ascertain therefrom and state the whole number of votes given for the constitution and the whole number given against it; and if a majority of all votes cast be in favor of the constitution, they shall at once make public that fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this constitution from that date shall be in force; and they shall also make out and file in the office of secretary of state an abstract of all the votes cast for the constitution and all the votes cast against it, and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the secretary of state, showing the candidates elected. They shall also make out and certify, and lay before each house of the General Assembly, a list of the members elected to that house; and shall also make out, certify, and deliver to the speaker of the House of Representatives, an abstract of all votes cast at the election for any and all persons for the office of governor, secretary of state, treasurer of state, auditor of state, attorney-general, and commissioner of state lands, and the said speaker shall cast up the votes and announce the names of the persons elected

to these offices. The governor, secretary of state, treasurer of state, auditor of state, attorney-general, and commissioner of state lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

SECTION 18.—*All Officers Chosen at This Election to be Commissioned by the Governor.*

All officers shown to be elected by the abstract of said election filed by the state board of supervisors in the office of the secretary of state, required by this constitution to be commissioned, shall be commissioned by the governor.

SECTION 19.—*First Election of Representatives and Senators—Their Certificates of Election.*

At said election the qualified voters of each county and senatorial district, as defined in article VIII. of this constitution, shall elect respectively representatives and senators according to the numbers and apportionment contained in said article. The board of election supervisors of each county shall furnish certificates of election to the person or persons elected to the House of Representatives, as soon as practicable after the result of the election has been ascertained and such board of election supervisors in each county shall make a correct return of the election for senator or senators to the board of election supervisors of the county first named in the senatorial apportionment; and said board shall furnish certificates of election to the person or persons elected as senator or senators in said senatorial districts, as soon as practicable.

SECTION 20.—*Officers Elected, Other than State Officers, When to Enter upon Their Duties.*

All officers elected under this constitution except the governor, secretary of state, auditor of state, treasurer,

attorney-general, and commissioner of state lands, shall enter upon the duties of their several offices when they shall have been declared elected by said state board of supervisors, and shall have duly qualified. All such officers shall qualify and enter upon the duties of their offices within fifteen days after they have been duly notified of their election.

SECTION 21.—*Prior Incumbents to Vacate Their Offices.*

Upon the qualification of the officers elected at said election, the present incumbents of the offices for which the election is held, shall vacate the same and turn over to the officers thus elected and qualified, all books, papers, records, moneys, and documents belonging or pertaining to said offices by them respectively held.

SECTION 22.—*Time of Convening of First Session of General Assembly.*

The first session of the General Assembly under this constitution shall commence on the first Tuesday after the second Monday in November, 1874.

SECTION 23.—*Transfer of Jurisdiction from Boards of Supervisors to County Courts, from Criminal Courts to Circuit Courts, and of Probate Business to Probate Courts.*

The county courts provided for in this constitution shall be regarded in law as a continuation of the boards of supervisors now existing by law, and the circuit courts shall be regarded in law as continuations of the criminal courts wherever the same may have existed in their respective counties; and the probate courts shall be regarded as continuations of the circuit courts for the business within the jurisdiction of such probate courts, and the papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change in this constitution.

SECTION 24.—*Present Incumbents to Continue in Office till Qualification of Successors—Commissioner of State Lands.*

All officers now in office whose offices are not abolished by this convention, shall continue in office and discharge the duties imposed on them by law, until their successors are elected and qualified under this constitution. The office of commissioner of state lands shall be continued: Provided, that the General Assembly, at its next session, may abolish or continue the same in such manner as may be prescribed by law.

SECTION 25.—*Penalty of Fraud by Officers of the Election, or Other Persons.*

Any election officer, appointed under the provisions of this schedule, who shall fraudulently and corruptly permit any person to vote illegally, or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace, or promises from voting, shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

SECTION 26.—*Tenure of Office of Officers Chosen at the Election—Time of Next General Election—Election of Congressmen.*

All officers elected at the election provided for in this schedule shall hold their offices for the respective periods provided for in the foregoing constitution, and until their successors are elected and qualified. The first general election after the ratification of this constitution shall be held on the first Monday of September, A. D. 1876. Nothing in

this constitution and the schedule thereto shall be so construed as to prevent the election of congressmen at the time as now prescribed by law.

SECTION 27.—*Appropriation to Defray Expenses of the Election.*

The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of the election provided for in this schedule; and the auditor of state shall draw his warrant on the treasurer for such expenses not exceeding said amount, on the certificate of the state board of supervisors of election.

SECTION 28.—*Present Salaries of State Officers—Per Diem and Mileage of Members of General Assembly.*

For the period of two years from the adoption of this constitution, and until otherwise provided by law, the respective officers herein enumerated shall receive for their services the following salaries per annum:

For governor the sum of \$3,500. For secretary of state the sum of \$2,000. For treasurer the sum of \$2,500. For auditor the sum of \$2,500. For attorney-general the sum of \$2,000. For commissioner of state lands the sum of \$2,000. For judges of the supreme court, each the sum of \$3,500. For judges of circuit and chancery courts, each the sum of \$2,500. For prosecuting attorneys, each the sum of \$400. For members of the General Assembly the sum of \$6 per day, and 20 cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct and practicable route.

Done in Convention, at Little Rock, the seventh day of September in the year of our Lord, one thousand eight hundred and seventy-four, and of the Independence of the United States the ninety-ninth.

In witness whereof, we have hereunto subscribed our names.

GRANDISON D. ROYSTON,
*President of the Convention, and Delegate
from the County of Hempstead.*

THOMAS W. NEWTON, *Secretary.*

Following are the delegates from each county:

Benton, A. M. Rogers and Horace H. Patterson; Boone, W. W. Bailey; Bradley, John R. Hampton; Baxter, John W. Cypert; Carroll, Bradley Bunch; Clark, Jesse A. Ross; Crawford, H. F. Thomason; Dallas, W. D. Leiper; Woodruff, William J. Thompson; Arkansas, James A. Gibson; Pike, Henry W. Carter; Prairie, Daniel F. Reinhardt; Ouachita, Elijah Moseley and Henry G. Bunn; Polk, Stephen C. Bates; Columbia, G. P. Smoote and D. L. Kilgore; Conway, William S. Hanna; Craighead, John S. Anderson; Cross, J. G. Frierson; Clayton, E. Foster Brown; Drew, James P. Stanley; Dorsey, John Niven; Franklin, William W. Mansfield; Faulkner, John Dunaway; Grant, Davidson D. Cunningham; Greene, Ben. H. Crowley; Garland, H. M. Rector; Hempstead, John R. Eakin; Hot Springs, W. C. Kelly; Independence, J. W. Butler and James Rutherford; Izard, Ransom Gulley; Jackson, Franklin Doswell; Jefferson, John A. Williams; Johnson, Seth J. Howell; Lawrence, Philip K. Lester; Little River, J. H. Williams; Lonoke, J. P. Eagle; Lincoln, Reason G. Puntney; Lee, Monroe Anderson; Madison, John Corroll; Monroe, S. P. Hughes; Montgomery, Nicholas W. Cable; Mississippi, Charles Bowen; Nevada, R. K. Garland; Perry, W. H. Blackwell; Phillips, John J. Horner; Pope, John R. Homer Scott; Randolph, John Miller, Jr.; Pulaski, Sidney M. Barnes; Saline, Jabez M. Smith; Sarber, Ben B. Chism; Scott, J. W. Sorrels; Searcy, W. S. Lindsey; Sebastian, R. P. Pulliam and W. M. Fishback; Sevier, B. H. Kinsworthy; Sharp,

Lewis Williams; St. Francis, John M. Parrott; Stone, Walter J. Cagle; Union, Horatio G. P. Williams and Robert Goodwin; Van Buren, A. R. Witt; Phillips, R. P. Polk; Washington, T. W. Thomason, Benjamin F. Walker, and M. F. Lake; White, Jesse N. Cypert and J. W. House; Yell, Joseph T. Harrison; Ashley, Marcus L. Hawkins; Fulton, Edwin R. Lucas; Calhoun, Benjamin W. Johnson; Poinsett, Roderick Joyner.

AMENDMENT No. 1.

The General Assembly shall have no power to levy any tax, or make any appropriations, to pay either the principal or interest, or any part thereof, of any of the following bonds of the State, or the claims, or pretended claims, upon which they may be based, to-wit: Bonds issued under an act of the General Assembly of the State of Arkansas, entitled "An act to provide for the funding of the public debt of the State," approved April 6, A. D. 1869, and numbered from four hundred and ninety-one to eighteen hundred and sixty inclusive, being the funding bonds, delivered to F. W. Caper, and sometimes called "Holford bonds"; or bonds known as "railroad aid bonds," issued under an act of the General Assembly of the State of Arkansas, entitled "An act to aid in the construction of railroads, approved July 21, A. D. 1868"; or bonds called "levee bonds," being bonds issued under an act of the General Assembly of the State of Arkansas, entitled "An act providing for the building and repairing the public levees of the State, and for other purposes," approved March 16, A. D. 1869, and the supplemental act thereto, approved April 12, 1869; and the act entitled "An act to amend an act entitled an act providing for the building and repairing of public levees of this State," approved March 23, A. D. 1871, and any law providing for any such tax or appropriation shall be null and void.

AMENDMENT No. 2.

Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct or ward one month next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the General Assembly, and who shall exhibit a poll-tax receipt or other evidence that he has paid his poll-tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas: Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possess the other necessary qualifications, shall be permitted to vote; and, provided, further, that the said tax receipt shall be so marked by dated stamp or written endorsement by judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

AMENDMENT No. 3.

The Governor shall, in case a vacancy occurs in any State, district, county, or township office in the State, either by death, resignation, or otherwise, fill the same by appointment, such appointment to be in force and effect until the next general election thereafter.

AMENDMENT No. 4.

That section 10, of Article XVII., of the Constitution of the State of Arkansas, be amended so as to read as follows:

“Article XVII., Section 10: The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads, canals, and turn-

pike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures, and shall provide for the creation of such offices and commissions and vest in them such authority as shall be necessary to carry into effect the powers hereby conferred." (Proposed February 26, 1897, and ratified September 5, 1898.)

AMENDMENT No. 5.

The county courts of the State, in their respective counties, together with a majority of the justices of the peace of such county, in addition to the amount of county tax allowed to be levied, shall have the power to levy not exceeding three mills on the dollar on all taxable property of their respective counties, which shall be known as the County Road Tax, and when collected shall be used in the respective counties for the purpose of making and repairing public roads and bridges of the respective counties, and for no other purpose, and shall be collected in United States currency or county warrants legally drawn on such road-tax fund, if a majority of the qualified electors of such county shall have voted public road tax at the general election for State and county officers preceding such levy at each election. (Proposed March 15, 1897, and ratified September 5, 1898.)

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CHAPTER X.

The United States.

ORIGIN.

202. Colonial Times.—In the beginning of this government many colonies* were scattered along the Atlantic coast. Despite disadvantages, the colonies grew, and, after a lapse of a few years, became extensive communities, with prosperous and hopeful people.

These colonies gradually merged into each other, and united for their common defence and general welfare, until in 1776, there were thirteen extensive and well-founded colonies,† which, after their union, became the “thirteen original States.”

203. Colonial Government.—The thirteen colonies were not permitted to govern themselves. They

*A colony is a number of persons sent out by any mother country, or a settlement of persons in a distant place, who are governed by the country from which they came. Colonization has been practiced by all the leading nations of the world from the earliest time down to the present.

†The American colonies have been the most prosperous the world has ever known. True it is that they labored

were under the direct control of the English government and enjoyed just such privileges as the king of England was pleased to give. They were governed somewhat after the manner of our State government. A chief executive, or governor, and a council, were appointed by the king of England. The council corresponded to our upper house, or Senate. There was a lower house composed of men chosen by the colonies. All laws passed by these bodies had to be signed by the "Chief Executive," who had absolute veto power, and then sent to England and approved by the king.

In such circumstances there remained no opportunity for the people to pass such laws as would best promote their interests.

204. Unjust Laws.—So many unjust laws were passed that the colonists had to throw off the oppressive rule of England. This was finally done by the "Declaration of Independence," July 4, 1776, and by the stubborn and successful fight for liberty known as the Revolutionary War.

CONFEDERATION.

205. Articles.—A congress of delegates from the thirteen colonies had been meeting from time to time in order that provision might be made to carry on the

under many disadvantages and had a multitude of hardships unknown to us; but to-day we stand as one of the most prosperous and successful nations of the world. Our population is now greater by more than thirty millions than that of our mother country.

“Revolutionary War.” The time had come when a closer union of the colonies was necessary, hence at Philadelphia, July 9, 1778, forty-eight delegates in congress assembled, drafted and signed the “Articles of Confederation,” the first three articles of which are as follows:

Article 1. The style of this Confederacy shall be, “The United States of America.”

Article 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

Article 3. The said States hereby severally enter into a firm league of friendship with each other, for the common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

206. Congress.—Under the Articles of Confederation, Congress met annually on the first Monday in November and was composed of members from the States chosen in such a manner as the Legislature of each State directed. No State was represented by fewer than two nor more than seven delegates. Each State had one vote; this in all cases was determined by a majority of its delegates.

207. Duration of Confederation.—For nine years the government was managed according to the Articles of Confederation. They served the people during the Revolution and for six years after the surrender at Yorktown. But on account of their weakness in many respects and the growing demand for a uniform system of commercial relations,* which were not properly provided for in these Articles, at Philadelphia, in May, 1787, delegates from all the States except Rhode Island met for the purpose of making such changes in and adding to the Articles of Confederation clauses that would be necessary to make it an instrument that would meet all the requirements of the government. But instead of the intended changes,

* In January, 1786, a convention of commissioners from the thirteen States was proposed by the Legislature of Virginia. The object of the convention was to take into consideration the general affairs of the country with special reference to the trade of the United States and the necessity of a better system of commercial intercourse, both among the States and with other nations. In September, 1786, a meeting was held at Annapolis. There were commissioners from only five States—Delaware, New Jersey, New York, Pennsylvania, and Virginia. It was not expedient to transact any business at this meeting; however, a convention was recommended to be called at Philadelphia in May, 1787, to consider not only the commerce of the country, but to alter or change the Articles of Confederation in such a way as to meet the demands of the country. Congress provided for the said convention at the stated time, which resulted in the framing of the present Constitution.

a new instrument was brought forth which seemed to meet the demands of our new and free government in a more satisfactory way. This was the Constitution of the United States, the foundation of our present government.

REVIEW QUESTIONS.

1. Where did colonization begin? 2. What is a colony and what is the object of it? 3. Are colonies profitable to the mother country? 4. Give reasons why. 5. Was there just one colony for each of the original thirteen States? Explain this. 6. When did the colonies become the "thirteen original States"? 7. What colonies have been the most prosperous? 8. How are colonies usually governed? 9. How were the American colonies governed? 10. Explain the legislative department and how laws were passed. 11. What caused the colonies to throw off the government of the mother country? 12. What kind of government was there from 1778 to 1787? 13. Explain this government. 14. When did Congress meet? 15. Give substance of the articles of the Confederate Union. 16. What led to the framing of the Constitution?

CHAPTER XI.

The United States.(CONTINUED.)

LEGISLATIVE DEPARTMENT.

CONGRESS.

208. Provision.—The Constitution provides that the legislative power of the United States shall be vested in a Congress composed of a House of Representatives and a *Senate. It is based on the belief that hasty or unwise legislation by the one will be checked or modified by the other. See Art. 90, page 63.

* Each State of the "Union" is considered to be one of the units of which the entire "United States" is the whole. Now, as individuals have equal rights and privileges and are not allowed to vote according to size, power, or knowledge, therefore it is thought that the States in a measure ought to have equal rights and privileges and equal representation; hence Senators are elected, two from each State, for the sole purpose of representing the State. Now, since the States have unequal population, and it is thought that the people ought to be equally represented, Representatives are apportioned among the various States according to population, and are for the sole purpose of representing the people.

209. Time of Meeting.—Congress meets annually on the first Monday of December, at Washington, D. C. Congress has power by law to change the time of meeting. But in all cases it must meet at least once each year.

210. Number of Congresses.—We are now in the midst of the 56th Congress, although the present Constitution has been in force 112 years and there has been that many regular sessions of Congress. But, since the members of the House of Representatives are chosen for two years at a time, it takes two sessions of Congress to make one complete Congress; hence, when we say the 53d, 54th, or 55th Congress, we are to understand that each consists of two sessions and covers a period of two years. Congress sometimes is said to consist of a long and a short session.

211. Special Session.—The President has power to call a special session of Congress, or either house, to convene in extra session if there is important business to transact or the circumstances and condition of the country demand it. When the President calls a special session of Congress, he specifies the time and the object of the call.

HOUSE OF REPRESENTATIVES.

212. Members.—The House of Representatives is composed of members chosen every two years by a direct vote of the qualified electors of the several States. There are 357 members of the House at pres-

ent. Each Territory is allowed one delegate, who has a seat in the House and has the privilege of speaking on any question relative to his Territory, but is not allowed to vote.

213. Election for Representatives.—The Constitution of the United States provides in Art. 1, Section 1, that the electors in each State, or, simply the voters for the representatives in Congress, shall have the qualifications requisite for electors of the more numerous branch of the State Legislature. For example, the State Legislature of Arkansas is composed of a Senate and a House of Representatives. The Senate is composed of thirty-two members and the House of one hundred. The House of Representatives is the more numerous branch, or has the greater number, and is more closely related to the people. Therefore any person qualified to vote under the State laws for a representative in the State Legislature is qualified also to vote for a representative in Congress.

214. Qualification of Members.—A representative must be twenty-five years of age, at least, must have been a citizen of the United States seven years, and must reside in the State from which he is chosen. He ought to live in the congressional district which he represents. However, this does not disqualify him from being elected. It is said that there has been only one exception to this during all the past.

215. Apportionment of Representatives.—Art. 1, Sec. 2, Clause 3, of the Constitution provides that

the actual enumeration shall be made within three years after the first meeting of Congress* of the United States, and within every subsequent term of ten years, in such a manner as they shall by law provide. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative. The House is not limited to any definite number of representatives by the Constitution. The first House of Representatives consisted of sixty-five members and the ratio of representation was about 50,000. The ratio† has been raised from time to time to prevent the House from having too many members, but in spite of this the number has increased until now there are 357 members in the House and the ratio of representation is 173,901 (1899).

216. Present Method of Apportionment.—After the census has been taken, Congress at present determines the number of representatives that the House shall contain for the ensuing ten years. Congress has no power to change the number and it can be modified in no way except by the admission of new States. The population of the United States is divided by the number of representatives; for example, the population of the United States of 1890 is 61,908,906; this divided by 356 (Utah not being admitted in 1890)

* For provision for the first Congress see Article I., section 2, clause 3, of the United States Constitution.

†See Ratio of Representation.

gives 173,901, which is the present ratio of representation. The population of each State is then divided by the above ratio, which gives the number of representatives each State will have. By trial it may be readily seen that by dividing the population of each State separate the sum of the quotients will not give the required number of representatives, so in order to make up the deficit, to the States respectively having the greatest remainders, a representative is given until the required number is obtained.

217. Congressional Districts.—Instead of all the people in the State voting for the whole number of representatives, it is thought best, and furthermore is made the duty of the Legislature of each State, to so subdivide the State, as to make as many districts as the State has representatives. Each district must be composed of contiguous counties and contain as nearly as possible a population equal to the ratio of representation. Each representative in Congress is chosen by a single district and no more than one from each district. This makes it convenient for the people to know the man whom they choose, and it enables the representative to meet the people whom he represents and to know better how to represent them.

218. Representation by States.—Below is given a list of the States of the Union with the number of representatives belonging to each. (1899.)

Alabama.....	9	Maine.....	4	Ohio.....	21
Arkansas.....	6	Maryland.....	6	Oregon.....	2
California.....	7	Massachusetts.....	13	Pennsylvania.....	30
Colorado.....	2	Michigan.....	12	Rhode Island.....	2
Connecticut.....	4	Minnesota.....	7	South Carolina.....	7
Delaware.....	1	Mississippi.....	7	South Dakota.....	2
Florida.....	2	Missouri.....	15	Tennessee.....	10
Georgia.....	11	Montana.....	1	Texas.....	13
Idaho.....	1	Nebraska.....	6	Utah.....	1
Illinois.....	22	Nevada.....	1	Vermont.....	2
Indiana.....	13	New Hampshire.....	2	Virginia.....	10
Iowa.....	11	New Jersey.....	8	Washington.....	2
Kansas.....	8	New York.....	34	West Virginia.....	4
Kentucky.....	11	North Carolina.....	9	Wisconsin.....	10
Louisiana.....	6	North Dakota.....	1	Wyoming.....	1

219. Congressmen at Large.—After the apportionment has been made by Congress, if there are States having a greater number of representatives than districts, and if the State Legislatures of such States fail to provide the required number of districts, the extra congressmen are elected by the entire State and are known as “Congressmen at Large.” If your State has one more representative after the census of 1900 has been taken and the apportionment made than it has now, and if your State Legislature fails to provide another district, this representative will be elected by the entire State and will be your congressman at large until the required number of districts are formed.

220. Salary of Members.—Both Senators and Representatives receive annually for their services \$5,000, and twenty cents a mile as traveling expenses in going to and returning from the sessions of Congress.

221. Vacancies.—Should a vacancy occur in any State’s representation by death, resignation or removal

from office, the Governor of such State must call a special election to fill the vacancy. The election is called, of course, only in the district in which the vacancy occurs. In case of a Congressman at Large, the election would be called for the entire State.

OFFICERS OF THE HOUSE.

222. Speaker.—The representatives of the same political party meet in convention, or caucus, and choose a man from their own number as a candidate for the "Speakership." The House is called to order by the Clerk of the preceding House of Representatives. The various candidates are then nominated. The vote is then taken by the members rising or by yeas and nays until one is elected. The Clerk presides during the election of the Speaker only. Immediately after his election he comes forward and is sworn into office by the representative who has been a member of the House the longest time. Because he speaks or declares the will of the House, he is called "Speaker."

223. Duties.—In influence and power, he is next to the President of the United States. He presides over the House, preserves order and the dignity of the House, decides such points of order as may be necessary, and directs the business of legislation. His position is one of very great importance and influence, since most all of the work of legislation, especially in making laws, is done or greatly matured by committees which are appointed by him. He can therefore

shape legislation to a great extent. Since he is a representative he has a right to vote on any question if he so desires.

224. Salary of Speaker.—He receives \$3,000 annually for his services as Speaker in addition to his salary as representative. (See Art. 220.)

225. The Sergeant-at-Arms is elected by the House, but not from the members. He is the ministerial officer of the House, preserves order as directed by the Speaker and executes all processes issued by the House or its committees. He is to the House about what a sheriff is to a court. In case of disorder, the Speaker commands the Sergeant-at-Arms to bear through the hall a mace (mas), which consists of a bundle of ebony rods surmounted by a globe upon which is an eagle with outspread wings. This is a symbol of the authority of the House. He also keeps the accounts of the pay and mileage of members, prepares checks, draws and pays the money to them.

226. The Clerk of the House is elected as the Sergeant-at-Arms. He is expected to keep the proceedings of the House, have the same published and deliver a copy to each member at the opening of the session, and also to the Governor and to each branch of the Legislature of each State.

227. The Doorkeeper has charge of the hall and is responsible for the furniture of the House. He sees that only proper persons gain admission to the sessions of Congress.

228. The Postmaster has charge of or superintends the post-office in the capitol for the accommodation of members.

229. The Chaplain opens each session with prayer. Numerous subordinate clerks, deputies and messengers are employed under these officers to assist them in the discharge of their duties.

230. Special Powers of the House.—There are two special powers given to the House.

1. Since taxation is one of the vital questions in the management of a government, and in fact one of the most important, as it touches directly the interests and the finances of the people, and as the representatives are directly from the people, therefore all bills providing for taxation—that is, revenue bills—originate in the House. However, the Senate may propose amendments.

2. The House has the power of impeachment. (See Art. 231.)

231. Impeachment.—The Constitution of the United States, Art. 11, Section 4, is as follows:

“The President, Vice-President and all civil officers of the United States shall be removed from office on impeachment and conviction of treason, bribery, or other high crimes and misdemeanors.”

When any of the above charges are brought against an officer of the United States, a committee is ap-

pointed from the members of the House to investigate the charges. They proceed as a grand jury. If, on investigation, they have sufficient reason to believe that the officer ought to be impeached, the charges are written in the form of an indictment, are presented to the House and there discussed, and the question put to a vote. If a majority of the members of the House favor impeachment, a committee is appointed to take up the matter before the Senate, sitting as a jury. After hearing the cause, if two-thirds of the Senators confirm the charge, the officer is impeached—that is, thrown out of office.

232. Results.—This judgment does not extend any further than removal from office, but the individual is still subject to further trial and punishment according to law. He is disqualified to hold any office of trust, honor or profit under the United States.

SENATE.

233. The Senate is composed of two Senators from each State. They are elected by the Legislature for a term of six years. There are (1899) forty-five States, thus requiring ninety Senators. Senators are to look after the individual interests of the State as a whole, to guard against undue centralization of power and prevent oppression of the smaller States by the larger ones.

234. Qualifications.—A Senator must be thirty years of age, at least, must have been nine years a

citizen of the United States, and must be a citizen (a qualified voter) of the State at the time of his appointment. Any person holding an office of trust or profit under the United States government is disqualified so long as he holds such office.

235. Election.—In 1866, provisions were made by Congress for the election of United States Senators as follows:

“The Legislature which meets first after the expiration of the term of any Senator, shall on the second Tuesday after their organization proceed to elect a Senator. Some one, or any number, may be placed in nomination by each branch of the Legislature. On this same day both the Senate and the House must elect some one as United States Senator without reference to what the other branch is doing. On the following day (Wednesday) at 12 M. the Legislature meets in joint session, and if one person has a majority of all the votes of each house, he is declared elected. If it occurs that no one has such majority, the joint assembly proceeds to elect, or on each succeeding day at 12 M. cast at least one ballot till some one is elected or until the close of the session. If no one be elected the State loses its representation, for it has been decided by the United States Senate that the Chief Executive cannot fill such a vacancy.”

236. Vacancy.—Should a vacancy occur in any State's representation in the Senate, the Governor has

power to appoint some one to fill the unexpired time or until the next Legislature meets. To fill a vacancy, the Legislature proceeds in the same manner as for the first election. (See Art. 235.)

237. Salary.—See Salary of Members, Art. 220.

OFFICERS OF THE SENATE.

238. President.—The Vice-President of the United States is *ex officio* President of the Senate, but has no vote unless there be a tie. (Art. 1, Section 3, Clause 4.)

239. President Pro Tem.—The Constitution of the United States provides for the election of a President *pro tempore* in the absence of the Vice-President or when the Vice-President may be called upon to perform the duties of President. While performing these duties he receives \$10,000 a year, a salary equal to that of the Vice-President.

240. Other Officers.—The Senate elects a Chief Clerk, a Secretary, a Sergeant-at-Arms, a Door-keeper, and a Chaplain, whose duties are the same as those of the corresponding officers of the House (which see).

241. Special Powers of the Senate.—There are three special powers given to the Senate:

1. When the House impeaches an officer, the Senate sits as a grand jury or as a court. (See Art. 231.)

2. All treaties* made by the President with foreign countries must be confirmed by a two-thirds vote of the Senate.

3. When the President appoints his Cabinet, and nominates the Supreme, Circuit or District Judges, and the attorneys for the same, Revenue Officers, Ministers, Embassadors, Consuls and all Territorial officers, all such appointments must be confirmed by the Senate.

CONGRESS AT WORK.

242. Preparatory.—Congress may by law change its time for meeting, but no permanent change from the first Monday in December has ever yet been made. After the election of the proper officers, as explained in this chapter, the Speaker of the House and the President of the Senate appoint the Standing Committees.

243. Senate Continuous.—When the Senate met the first time, the members divided themselves into three classes. The time of the first class expired at the end of two years, and new members were elected for six; the time of the second class expired at the end of four years; and the time of the third class ex-

* Treaties are contracts or leagues between two or more nations, usually made for the purpose of settling some trouble or point of difference, or for the purpose of adjusting some plan of commercial intercourse. Treaties are usually formed by commissioners or agents sent out by each government.

pired at the end of six years. We see at once that two-thirds of the Senate is composed of old members, hence it can be said that the Senate is a continuous body.

244. Organization Complete.—As soon as the organization of the House and the Senate is completed, the presiding officer of each body appoints a committee to inform the President and also the other body that such organization has been completed and that they are ready for any business that may be brought before them. Congress is now ready to entertain or hear any measure that may be brought up or proposed for consideration.

245. Oath of Members.—Each house is the judge of its own members—that is, each house as a whole or by committees decides as to whether the members sent there by the different States have the required qualifications. (See Art. 214.) After these qualifications have been found satisfactory, the members come forward by States and take an oath of office which consists in swearing or affirming that they will support the Constitution of the United States.

246. Quorum.—A quorum for the transaction of business in either house consists of a majority of all the members elected to that branch. Any number may adjourn from time to time and compel the attendance of other members.

247. Rules.—Early in the session, each house of Congress appoints a committee to draft rules and

regulations by which it is to be governed during such session. The committee may recommend an adoption of the rules of the preceding House or the old rules with certain modifications, or draft a new set of rules altogether. These are reported, discussed, and all, or such part as may seem suitable, are adopted. Either house has power to set aside the rules, and proceed to pass laws in any way it sees fit. But it must not violate the Constitution.

248. Liberty of Speech and Arrest.—In order that the members may feel the fullest freedom in all debates or discussions, and know that they are independent in regard to what they have to say, the Constitution provides:

“They (Senators and Representatives) shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.”

The latter clause, “They shall not be questioned in any other place,” means that they shall not be sued either in a civil case or in a criminal one for anything said or done in debate.

249. Privileges and Disabilities of Members.—In order to prevent the members of Congress from voting to create new offices or to increase the salary of

others with a hope of being appointed or elected to fill the same, the following provisions have been made:

1. "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

2. "No person shall be a Senator or Representative in Congress or Elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability." (Art. 14, Section 3, Amendments.)

When the war of 1861 between the North and South came up, there were a great many persons holding office under the United States government who had taken the oath of office—that is, sworn to support the Constitution of the United States. But in consequence

of certain affairs which came up in the administration of our government, and because many people in the South believed in the doctrine of State rights, which taught that a State had a right to leave the Union whenever the government failed to secure to them such principles as are set forth in the preamble of the Constitution, the Southern States withdrew from the Union and formed a government called the "Confederate States of America." The above clause was inserted in the Constitution to prevent such persons from holding office. Congress, as provided above, has removed all of these disabilities.

250. How Bills Become Laws.—There are three ways in which a bill may become a law:

(1.) A bill, after it has passed each house by a majority vote, and been signed by the President, becomes a law and is known as an "Act of Congress."

(2.) When a bill passes each house by a majority vote, is sent to the President, and he vetoes it—that is, refuses to sign it—he must return it, with his objections, to the house in which it originated. If, with his objections, it be reconsidered and pass each house by a two-thirds vote, it becomes a law.

(3.) A bill having passed each house by a majority vote and been sent to the President, becomes a law if he fails to sign it within ten days, Sunday excepted.

251. Manner of Voting.—When a bill or a measure is presented to either house to be voted upon, it

is customary for the members to rise and be counted. However, if one-fifth of the members so desire it, the roll is called and the vote taken by yeas and nays and the vote entered upon the journal. This is done on almost all important questions to show the people how their representatives are voting.

252. Journal.—Each house is required to keep a journal of its proceedings. These are published from time to time, as explained in Art. 226, except such part as requires secrecy.

POWERS GRANTED TO CONGRESS.

253. How Obtained.—The Constitution sets forth the powers of Congress in the eighteen clauses of Sec. 8, Art. 1. Upon these as a foundation, Congress has been legislating for the past one hundred and twelve years. Congress has just such powers as were granted to it by the States.

Under the Articles of Confederation the States were sovereign—that is, they had absolute power within their own jurisdiction. In order to form a Union, they surrendered their sovereignty to the United States government in many ways. Therefore the National Government is one of delegated powers and cannot go beyond them. The States still have all power not delegated to Congress.

Congress has power—

1. **“To lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for**

the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

254. Taxation.—Under this clause, Congress has power to provide for all the necessary expenses of the government. It has power to levy direct taxes, which are of two kinds:

(1.) **POLL TAX.**—A tax laid upon each individual without regard to his property is called a "poll tax."

(2.) **PROPERTY TAX.**—A tax which requires an individual to pay a certain per cent. upon each dollar's worth of property possessed by him is a "property tax." The value of the property is ascertained as explained in Art. 69.

255. Duties.—No distinction can really be made in the meaning of "duties" and "imposts," for they signify the same thing. They are used interchangeably, and are of two kinds:

(1.) **SPECIFIC DUTIES.**—When a certain sum is laid upon each article, as 50 cents for each hat, 10 cents a pound for coffee, \$5 a suit for clothing, etc., it is called a "specific duty."

(2.) **AD VALOREM.**—This word means according to value. Therefore a certain per cent. of the value is taken. As, 20 hats at \$2 each, 10 per cent. *ad valorem*, equals \$40 at 10 per cent., which equals \$4.

A special duty and an *ad valorem* duty may both be laid upon imports at the same time.

The government does not at present lay a tax upon exports or goods shipped from this country. But we have an

(3.) **EXCISE TAX.**—This is a tax laid upon goods or articles manufactured and consumed by our own people, as for example, the revenue paid upon tobacco, whiskey and the like. It may be either specific or *ad valorem*.

2. "To borrow money on the credit of the United States."

256. National Debt.—At the close of the war the national debt amounted to nearly \$3,000,000,000. Some way had to be provided whereby this enormous sum could be paid. Congress has been able to reduce the debt to about \$891,000,000 in the short period of only thirty-five years. Congress exercises this power in two ways:

(1.) **BONDS.**—The government issues notes, much as a private citizen, payable at a certain time or within a specified time, and bearing interest.

These are sold out among capitalists to the highest bidders and are known as "Government Bonds."

(2.) **GREEN BACK.**—The government in 1862, issued notes (having green backs) in payment of certain obligations. These are known as green-back bills and were made legal tender.

3. "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

257. Commercial Laws.—The regulation of commerce means that Congress has power to levy taxes or duties, and make such regulations as will render transportation and navigation as safe as possible. Each State had control of this matter at first and was legislating for its own commercial interests at the expense of the neighboring States. Congress now passes such laws as apply to railroads, navigation, telegraphy or any other business carried on among the States, known as "interstate traffic," and also provides regulations for the entry of foreign ships to and passage from our harbors.

4. "To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcy throughout the United States."

258. Naturalization.—Congress has provided naturalization laws; but they cannot be given here. The manner of naturalization has been explained in Arts. 133-4. Explain naturalization and give each step.

259. Bankrupt Laws have been passed several times; but they have all been of short duration. The laws allow many dishonest debtors to procure a release from their just debts. Bankrupt laws are intended to be of such a kind as to release an honest debtor from

any further obligations when he has turned over all of his property to his creditors. This allows an individual to start anew without any obligations resting upon him when he has given up all he has.

5. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

260. Object.—No State in the Union has power to coin money. Congress has exclusive control of the monetary system of our government. This power was given to Congress so that in all the States of the Union the same kind of money would be in use.

261. Coinage.—Congress has made ample provision for the coinage of all money by establishing mints, where money is coined. The principal mint of the United States is at Philadelphia. There are others—one at New Orleans, one at San Francisco, one at Carson City, and one at Denver. At Carson City and Denver, the mints are not in operation all the time.

262. Gold Standard Unit.—Prior to the year 1873, Congress made the "silver dollar," containing 371.25 grains of pure silver, the unit of coinage, but at that time Congress so altered the laws as to make the gold dollar the standard. The standard gold dollar is the unit at present. It contains 23.22 grains of pure gold, but since 10 per cent. of our gold and silver money is alloy, therefore the standard gold dollar

weighs 25.8 grains, and the silver dollar weighs 412.5 grains.

263. Ratio.—Congress fixes the ratio of silver to gold in the coinage of money. This is found by dividing the pure silver in a silver dollar by the pure gold dollar. For example, since there are 371.25 grains of pure silver in a silver dollar and 23.22 grains of pure gold in a gold dollar, then the ratio is equal to 371.25 divided by 23.22, which equals 15.9883. This is practically the same as a ratio of 16 to 1, of which we have heard so much recently.

264. Coins.—The present coins as fixed by Congress are gold, silver, nickel, and bronze. The gold coins are the double eagle (\$20), the eagle (\$10), the half eagle (\$5), and the quarter eagle (\$2.50). The silver coins are the dollar, half dollar, quarter dollar, and the dime. The nickel is the 5 cent piece. The bronze is the one cent piece called the copper cent.

265. Legal Tender.—The Constitution gives Congress alone the right to say what money can be used as legal tender. "Tender" means to offer, hence a "legal tender" means a legal offering in payment of just debts. Congress has provided the following as a legal tender:

(1.) Silver dollars and gold coins are legal tender in payment of any sum.

(2.) Dimes, quarters and half-dollars are legal tender in any amount or sum not greater than ten dollars.

(3.) Nickel and bronze, or copper, in any sum not greater than twenty-five cents.

(4.) Greenbacks for any amount or debt except duties and interest on bonds or the public debt.

(5.) Treasury notes and gold and silver certificates in any amount.

266. Effect of a Legal Tender.—Congress has made the above provisions so that when an individual tenders, or offers, a creditor a legal money, and he does not accept it, the debtor, while he is not relieved from the obligation, does not have to pay any interest that may accrue thereafter, and is relieved from the cost of any action that may be taken.

267. Weights and Measures.—In 1836, for the convenience of trade among the States, Congress sent a set of weights and measurements, as used in the Custom House, to each State. These were adopted and are now the standards throughout the United States.

6. “To provide for the punishment of counterfeiting the securities and current coin of the United States.”

268. Special Statutes.—Congress has provided special laws for the punishment of all who are found guilty of making counterfeit money. The punishment is usually very severe. The United States government, for counterfeiting money, imposes a penalty, or

a fine, to the extent of \$5,000 and ten years' imprisonment at hard labor.

Not only has the United States enacted laws prohibiting the counterfeiting of money, but most of the States have done so, as for example, Arkansas has made it an offence, punishable with not less than five years in the State penitentiary.

7. "To establish post-offices and post-roads."

269. Postal Service.—Congress has provided an excellent postal system for the United States. Under this provision comes the establishment of post-offices and post-roads, the making of stops, and the letting of contracts for the transportation of mail. This system will be more fully treated in Arts. 433-6, under the Postmaster-General.

8. "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

270. Copyrights and Patents.—In order to encourage authorship and invention in the United States and to promulgate science and the useful arts, Congress has provided a copyright and a patent law which secures to an individual the exclusive use and control of his own copies, inventions or discoveries. (See Art. 447.)

9. "To constitute tribunals inferior to the Supreme Court."

271. Inferior Courts.—A tribunal means simply a court of justice. The Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Circuit and District Courts, Courts of Appeal, Court of Claims, Court of the District of Columbia, and the Territorial Courts have been provided under the above clause. (See Courts.)

10. "To define and punish felonies committed on the high seas, and offences against the law of nations."

272. Piracy.—We are looked upon by other nations as citizens of the United States and not of a single State, hence if we become pirates, or are guilty of felony upon the high seas, our government is held responsible and not the State in which we live. Congress therefore has, and by right ought to have, control of the matter.

Piracy is usually defined as forcible robbery upon the high seas. Felony may be used to designate any crime of an aggravated character.

11. "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

273. Declaring War.—When war is declared, every State in the Union has to bear a part of the burden, hence it is readily seen that no State or individual should have such a right, but that such power should be in the hands of the people or their representatives: therefore, it has justly been given to the National Government.

274. Letters of Marque and Reprisal.—A document issued by Congress authorizing private citizens to seize or take the persons or goods of another nation for wrongs committed by them is called "Letters of Marque and Reprisal." Vessels sent out with such letters and for such purposes are called privateers. Reprisal is the act of forcibly seizing or taking persons or property from another nation, for injuries done by it, to the nation or government granting such letters.

12. "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

13. "To provide and maintain a navy."

14. "To make rules for the government and regulation of the land and naval forces."

15. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

275. Army and Navy.—All governments, in order to enforce the laws passed by them, to maintain their

rights and privileges among other nations and to force their own citizens to be obedient, must have an army and a navy. Laws, without an executive power behind them, are of but little value.

The principle upon which our government has managed the war and navy departments seems to be a good one. The principle is, that the army and navy should be no larger at any time than the immediate circumstances demand; but the government should keep sufficient resources, and maintain such power as will be necessary to raise, in the shortest possible time, an army and a navy equal to any emergency that might arise. For War and Navy see Arts. 425-429 and 437-441.

16. "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

276. Militia.—The Governor is the Commander-in-Chief of the military and naval forces of his State except when in the actual service of the United States, then they are under the direct control of the government. They are managed at all times according to the plans of the United States government.

17. "To exercise exclusive legislation, in all cases whatsoever, over such district (not ex-

ceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

277. District of Columbia.—If the seat of our government had been located within the jurisdiction of any State, Congress, all United States officers, and much of the workings of Congress would necessarily be dependent upon the State for protection. If the State should refuse such protection, as did Pennsylvania when Congress moved from Philadelphia to Princeton, N. Y., Congress would have to move to some other State where protection could be had. This is why Congress or the seat of government was put in a district outside of the jurisdiction of any State.

18. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

278. Under this clause, Congress has power to enact any law that will insure the execution of our national laws and require all public officers to execute them in the proper way and as speedily as possible,

Congress has other powers which will be found under their proper headings.

POWERS DENIED CONGRESS.

279. Object.—In order to secure to every individual certain rights and privileges which seem to belong to us by the absolute principle of right, Congress has been denied the following powers:

1. "The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it. For an explanation of *habeas corpus* see Art. 113.

2. "No bill of attainder nor *ex post facto* law shall be passed. For the meaning of attainder and for *ex post facto* see Art 113, paragraph 3.

3. "No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

"Congress provides that the census shall be taken every ten years, as 1870, 1880, and 1890. It requires the work to be finished within three years. So we get the census really of 1873, 1883 and 1893.

4. "No tax or duty shall be laid on articles exported from any State.

5. "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

“ This gives us a free exchange of all products or commodities throughout the United States and does not discriminate against certain industries. We can hardly imagine what a hindrance it would be to commerce, if on all goods brought into each State duties had to be paid.

6. “ No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

“ Congress, during one of its sessions, makes appropriations for each individual department of the government. No more money than the exact amount appropriated can be spent for any one thing. If more money had to be used than what had been appropriated for that particular purpose, there would have to be a special session of Congress called to make the needed appropriation.

7. “ No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

8. “ Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to

assemble, and to petition the government for a redress of grievances. (See Amendment I. to the Constitution.)

9. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void."

POWERS DENIED THE STATE.

280. Unconditional.—"No State shall enter into any treaty, alliance, or confederation; grant letters of marque* and reprisal, coin money,† emit bills of credit; make anything but gold and silver coin a tender‡ in payment of debts; pass any bill of attainder,¶ *ex post facto*** law, or laws impairing the obligation of contracts; or grant any title of nobility.

281. Conditional.—(1.) "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; and the net

* See Art. 274. † See Art. 261. ‡ See Art. 265. ¶ See Art. 113. ** See Art. 113, Par. 3.

produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of Congress.

(2.) "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

SPECIAL PROVISIONS.

282. Form of Government.—The United States government is republican in form. A republican form of government is one conducted and managed, and all authority exercised, by representation of the people. A pure democratic form of government is one managed, and all authority exercised by the people present in person. It would be impossible to have any other form of government than a republic or a representative democracy in as large a country as the United States, for we could not assemble in one body and speak for ourselves.

283. Object of Government.—The object of our National government is "To form a more perfect Union; to establish justice; to insure domestic tranquillity; to provide for the common defence; to promote the general welfare; and to secure the blessings of liberty to ourselves and our posterity."

Many of us have never yet learned that the government is for us. We look upon it as a third person. We do not realize that we are playing a double part—we are not only the subjects; but we are the rulers. The government is only a plan for the management of ourselves. Every word of the Constitution has for its foundation the promotion of our general welfare. We need to learn that the government is for the people, and that we are the people. If thus understood, our interest in the government would be greatly increased and we would do more to support it.

284. Citizens.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. There is a difference between a citizen and a voter. Men, women and children are citizens; but only men, usually, having certain qualifications, are voters. Citizens are protected by our government at home and abroad, hence citizenship means something to us.

285. Right of Suffrage.—“The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color or previous condition of servitude.”

286. Servitude.—“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

287. Security of Person.—“The right of the people to be secure in their person, home, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.”

288. Privilege of Owner.—“No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.”

289. A Trial for Crime.—“No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

290. Right of the Accused.—“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature

and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

291. Suits.—"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law."

292. "Excessive Bail" shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

293. Other Rights.—"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

294. Militia.—"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

295. Return of Criminals.—"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." A demand issued by the executive authority for the delivery of fugitive criminals is called a "requisition."

AMENDMENTS.

296. Congress May Propose.—Whenever two-thirds of both houses of Congress deem it necessary, they may propose to the several States an amendment to the Constitution.

297. State Legislatures.—On application of the Legislatures of two-thirds of the several States, Congress shall call a convention of delegates from the several States for proposing amendments.

298. Ratification.—These proposed amendments, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States or by convention in three-fourths, as the one or the other mode of ratification may be proposed by Congress.

Nineteen amendments have been proposed by Congress and fifteen of them ratified by three-fourths of the State Legislatures and have become a part of the Constitution. The other four were lost. All amendments have been made by the first method. (Art. 296.)

NEW STATES.

299. Admission.—By special act of Congress, States are admitted into the Union. A memorial is sent to Congress by an organized Territory having the required population, asking for admission. Upon the receipt of the memorial, Congress passes a law called an “enabling act.” This act simply authorizes

the people of the Territory to frame a constitution.* When the constitution has been framed and adopted by the State and submitted to the Supreme Court for examination, and found not to conflict with the Constitution of the United States, Congress passes another act admitting the new State into the Union. Each new State, as soon as it is admitted, has the same rights and privileges that belong to any and all of the other States.

* FORMATION AND ADOPTION OF A CONSTITUTION.—Since it would be impossible for all the people to meet, frame, and adopt a constitution, it becomes necessary to elect delegates to a State meeting called a Constitutional Convention. The convention frames a constitution as nearly in harmony with the needs of the people as possible, signs and submits it to the people for their approval or disapproval. This is done in the same way as our general elections—by a vote of the people. If a majority vote for the proposed constitution, it becomes the constitution of the State. If a majority oppose it, the constitution is lost and another convention has to be called, delegates elected, and so continue until a constitution is adopted by a majority vote.

REVIEW QUESTIONS.

1. In what is the legislative department vested? 2. Why are there two divisions? 3. What is the object of Senators? 4. Of Representatives? 5. When, where, and how often does Congress meet? 6. How many Congresses have there been and how are they numbered? 7. Who has the power to call a special session of Congress? 8. What is the object of a special session? 9. Give one, by whom called, and what was the object? 10. How often are Representatives elected? 11. How many in Congress at present? 12. Explain quali-

fication of electors for Representatives. 13. Give qualifications of Representatives. 14. Explain manner of apportionment. 15. What is the ratio at present? 16. What are congressional districts and how many in your State? 17. What State has the greatest representation? 18. What is a "Congressman at Large"? 19. Give salary of both Senators and Representatives. 20. How are vacancies filled in a State's representation? 21. Who calls Congress to order and presides during the election of Speaker? 22. By whom is the Speaker sworn into office? 23. Give duties of Speaker and his salary. 24. Give duties of Sergeant-at-Arms. 25. How does he preserve order? 26. Give duties of Clerk of the House. 27. Of Doorkeeper. 28. Of Postmaster. 29. Of Chaplain. 30. Give special powers of the House. 31. What officers may be impeached? 32. Explain how it is done. 33. What is the result? 34. By whom and for what length of time are Senators elected? 35. Give qualifications. 36. Explain how they are elected. 37. Should a vacancy occur, how is it filled? 38. Who presides over the Senate? 39. Give other officers of the Senate and duties. 40. Give special powers of the Senate. 41. When does Congress meet? 42. Why may the Senate be called a continuous body? 43. Who decides as to the qualifications of members? 44. What constitutes a quorum to transact business in Congress? 45. How are rules provided? 46. What can you say about liberty of speech in Congress? 47. Give privileges and disabilities of members. 48. Explain the three ways in which a bill may become a law. 49. How is the vote taken in Congress? 50. What is a Journal, and what is the object of it? 51. What is the first power granted to Congress? 52. What is (1) taxation; (2) poll-tax; (3) property tax; (4) duties and imposts; (5) specific duty; (6.) *ad valorem*; (7) exercises? 53. What is the second power? 54. What is (1) a bond; (2) greenback? 55. What is the third power? 56. What is commercial law? and give an example. 57. Give fourth power of Congress. 58. Explain naturalization laws. 59. Give fifth power of Congress. 60. Has a State power to coin money? 61. Explain coinage.

62. Explain the gold-standard unit. 63. What is the ratio at present? 64. What are the legal coins? 65. What is meant by a "legal tender" and what money is legal tender? 66. What is the effect of a legal tender? 67. What has Congress done in regard to weights and measurements? 68. What is the sixth power of Congress? 69. What is the punishment for counterfeiting? 70. What is the seventh power? 71. What are the duties of the postal service? 72. What are the eighth, ninth, tenth, and eleventh powers? 73. Explain what has been done under each. 74. What is meant by "reprisal"? 75. Give twelfth, thirteenth, fourteenth, and fifteenth powers. 76. What is the principle upon which our government manages the army and navy? 77. Give sixteenth power. 78. Who is commander-in-chief of the militia? 79. What is the seventeenth power? 80. Why is the seat of our government in a district? 81. What is the eighteenth power? 82. Give the powers denied Congress and explain each. 83. Give the powers denied the States. 84. Under what kind of government are we living? 85. Explain the difference between a democratic and a republican form of government. 86. What is the object of government? 87. Who are citizens of the United States? 88. What is meant by suffrage? 89. May slavery or involuntary servitude exist in the United States? 90. What guarantee have we of "security of person"? 91. What rights have we as owners? 92. What rights have we as criminals? 93. What rights have we in suits? 94. What is a "requisition"? 95. What is an amendment to a constitution? 96. What are the two ways of making amendments? 97. How many States must ratify? 98. How many amendments have been proposed and how many made? 99. What is meant by an organized Territory? 100. What is an "enabling act"? 101. Explain how new States are admitted into the Union.

CHAPTER XII.

The United States.(CONTINUED.)

JUDICIAL DEPARTMENT.

300. Provision.—The Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish.

Our judicial system at present includes the following:

United States Supreme Court, Circuit Courts, Circuit Courts of Appeal, District Courts, Supreme Court of the District of Columbia, Court of Claims, Territorial Courts, and Commissioners' Courts.

301. Jurisdiction.—Jurisdiction means the right to hear and pass upon any cause of action. (For original and concurrent jurisdiction see Arts. 32 and 33; and for appellate jurisdiction see Art. 126.)

302. Jurisdiction of United States Courts.—The Constitution, in Art. 3, Sec. 2, Clause 1, sets

forth the following classes of suits which are under the jurisdiction of United States Courts:

1. Cases in law and equity* arising under the United States Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

2. Cases affecting ambassadors, other public ministers, and consuls.

3. Cases of admiralty and maritime† jurisdiction.

4. Controversies to which the United States shall be a party.

5. Controversies between two or more States.

6. Between a State and citizens of another State.

7. Between citizens of different States.

8. Between citizens of the same State claiming lands under grants of different States; and

9. Between a State, or the citizens thereof, and foreign States, citizens or subjects.‡

* For equity see Article 144, Chancery Courts.

† Admiralty and maritime jurisdiction have reference to cases arising on the sea, as collisions, repairing vessels, contracts for carrying mail, passengers, or any kind of freight. Many of these cases affect foreigners and foreign commerce, hence a State could have no jurisdiction over such cases.

‡ This clause has been modified by Amendment XI., which is as follows:

“ The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign

303. United States Judges.—All United States judges, except the judges of territorial courts, hold office for life or during good behavior, and receive such compensation as may be fixed by law, and cannot be diminished during their continuance in office.

Any judge who has served ten years at the age of seventy, may retire from office and draw the same salary during his life that he received on retiring from office. The judges are appointed by the President and confirmed by the Senate. They are subject to impeachment and, in this way, may be removed from office. (See Art. 2, Sec. 4, of the Constitution.)

SUPREME COURT.

304. Justices.—The Supreme Court of the United States is composed of one Chief Justice and eight Associate Justices, nominated by the President and confirmed by the Senate.

The following is a list of all the chief justices of the United States from the organization of the Supreme Court to the present time (1899):

State." That is, this power must not be so construed as to allow any State to be made defendant in any case of law or equity commenced or prosecuted by private persons or corporations. A suit cannot be brought against the United States in a direct way as against an individual except by special act of Congress; nor can a suit be brought against a State by a citizen of another State, or by its own citizens except by special act of the Legislature.

CHIEF JUSTICES.

WHEN, BY WHOM, AND FROM WHAT STATE
APPOINTED.

NAMES OF CHIEF JUSTICES.	BY WHOM APPOINTED.	STATE.	TIME.
John Jay.....	Washington.....	New York.....	Sept. 26, 1789.
John Rutledge.....	Washington.....	South Carolina..	July 1, 1795.
William Cushing....	Washington.....	Massachusetts..	Jan. 27, 1796.
Oliver Ellsworth....	Washington.....	Connecticut....	March 4, 1796.
John Jay.....	John Adams.....	New York.....	Dec. 19, 1800.
John Marshall.....	John Adams.....	Virginia.....	Jan. 27, 1801.
Roger B. Taney.....	Andrew Jackson...	Maryland.....	Dec. 28, 1835.
Salmon P. Chase.....	Lincoln.....	Ohio.....	Dec. 6, 1864.
Morrison R. Waite...	Grant.....	Ohio.....	Jan. 21, 1874.
Melville W. Fuller*	Cleveland.....	Illinois.....	July 20, 1888.

* Fuller is still Chief Justice. (1899.)

305. Precedence.—The associate justices have precedence according to the date of their commission, or when the commissions of two or more of them bear the same date, according to their ages.

306. Salary.—The eight associate justices receive \$10,000 each a year and the chief justice receives \$10,500.

307. Term.—The Supreme Court holds annual sessions at Washington, D. C., beginning on the second Monday of October. Any six judges constitute a quorum, and if five or more agree upon any point, it becomes the decision of the court.

308. Jurisdiction.—The Supreme Court is principally a court of appeals. It exercises appellate jurisdiction* over all cases mentioned in Art. 302 except

* For appellate jurisdiction see Art. 126.

cases affecting ambassadors, public ministers and consuls, and cases in which a State is a party. Over these cases it exercises original jurisdiction.†

One important function of the United States Supreme Court is to interpret the Constitution and to decide whether State constitutions or State laws conflict with the Constitution of the United States or the national laws. It has power also to hear appeals from State courts upon the grounds that the decision by the State court conflicts with the Constitution or laws of the United States. The Supreme Court may reverse its own decisions and does do so sometimes; but in all cases its decisions are final, until reversed; for, from it, there are no appeals.

309. Other Officers.—The Supreme Court appoints a clerk, a marshal, and a reporter. The court may appoint deputies on application of the clerk. The marshal receives annually \$3,500. The reporter causes the decisions of the Supreme Court to be printed within eight months after they are made. The reporter receives \$2,500 a year when the report consists of only one volume, and an additional sum of \$1,500 on the publication of a second volume in any one year. The marshal waits upon the court, executes its orders, and performs other duties imposed by Congress. He is the chief ministerial officer.

CIRCUIT COURTS.

310. Number.—Congress has divided the United

† For original jurisdiction see Arts. 32 and 33.

States into nine judicial circuits. Each new State as it comes into the Union is assigned to one of these judicial circuits. Congress also has power to change them, but has not done so for a number of years, and, perhaps, will not except as new States are admitted and attached to some one of the nine judicial circuits. The following are the United States judicial circuits as they exist at present (1899):

UNITED STATES JUDICIAL CIRCUITS.

First. Maine, New Hampshire, Massachusetts, Rhode Island.

Second. New York, Connecticut, Vermont.

Third. Pennsylvania, New Jersey, Delaware.

Fourth. Maryland, Virginia, West Virginia, North Carolina, South Carolina.

Fifth. Georgia, Alabama, Florida, Mississippi, Louisiana, Texas.

Sixth. Tennessee, Kentucky, Ohio, Michigan.

Seventh. Illinois, Indiana, Wisconsin.

Eighth. Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Colorado, Utah, Wyoming.

Ninth. Washington, Oregon, Idaho, Nevada, Montana, California.

Pupils should draw a United States map and locate the above judicial circuits. This map should be kept, and, as the other judicial divisions are explained, the places where courts are held and also the divisions should be located upon it.

311. Jurisdiction.—The Revised Statutes of the United States set forth twenty classes of cases over which the Circuit Court exercises exclusive original jurisdiction and among which may be found such cases as bankruptcy, copyrights, patents, suits against persons having a knowledge of conspiracy, against officers and owners of vessels, national banks and in crimes against the United States. It also exercises appellate jurisdiction in certain cases tried in the district courts.

312. Allotment of Circuits.—By an order of the Supreme Court, the Chief Justice and the eight associate justices are allotted among the nine judicial circuits of the United States. When the circuits are altered, new justices appointed or for other conveniences, the above allotment shall be made.

313. Judges.—The law requires each of the judges to go into the circuit to which he is allotted, travel in person throughout the circuit and hold one term of court in each district composing the circuit at least once in every two years.

For each of the judicial circuits explained above, there shall be appointed by the President and confirmed by the Senate another circuit judge, who shall have the same power and jurisdiction as the justices of the Supreme Court, allotted to it, and shall be entitled to receive a salary at the rate of \$6,000 a year. He is required by law to reside within the circuit.

314. Terms of Court.—The Circuit Court is held by the circuit justice allotted to the circuit, or by

the circuit judge of the circuit, or by the district judge, or by any two of them sitting together. In all cases the circuit judge goes into the district and at the United States district court-house holds the Circuit Court. There is not a special court-house located within each circuit where the Circuit Court is held and cases brought from all parts of the circuit to it, as in the case of courts of appeals.

DISTRICT COURTS.

315. Districts.—Congress has subdivided the judicial circuits into judicial districts. Each State constitutes a district, but in many cases two or more districts have been organized within a State. The following is a list of the States showing the number of judicial districts in each:

JUDICIAL DISTRICTS.

Alabama, E.* M. N.. 3	Maryland..... 1	Oregon..... 1
Arkansas, E. W..... 2	Massachusetts..... 1	Pennsylvania, E.W. 2
California, N. S..... 2	Michigan, E. W..... 2	Rhode Island..... 1
Colorado†..... 1	Minnesota..... 1	So. Carolina, E. W.. 1
Connecticut..... 1	Mississippi, N. S.. 2	South Dakota..... 1
Delaware..... 1	Missouri, E. W..... 2	Tennessee, E. M. W. 3
Florida, N. S..... 2	Montana..... 1	Texas, N. E. W..... 3
Georgia, N. S..... 2	Nebraska..... 1	Utah..... 1
Idaho..... 1	Nevada..... 1	Vermont..... 1
Illinois, N. S..... 2	New Hampshire... 1	Virginia, E. W..... 2
Iowa, N. S..... 2	New Jersey..... 1	Washington..... 1
Kansas..... 1	New York, N. S. E. 3	West Virginia..... 1
Kentucky..... 1	No. Carolina, E. W.. 2	Wisconsin, E. W..... 2
Louisiana..... 1	North Dakota..... 1	Wyoming..... 1
Maine..... 1	Ohio, N. S..... 2	

*E. for Eastern District; M. for Middle District; N. for Northern District; S. for Southern District, and W. for Western. These should be read "Eastern District of Alabama," "Middle District of Alabama," etc.

† When no letters are given it simply means that it is the "District of Colorado," or whatever State it may be applied to.

316. District Courts.—In each of the United States districts a court-house is erected, and a court, known as the United States or Federal Court, is organized. Congress fixes by law the time and place for holding the court.

317. Subdivisions of District.—For the sake of convenience in holding the courts, Congress has divided some of the districts into as many as half a dozen divisions. In such cases the law requires the judge of the district to go into each subdivision and hold the United States court at such time and place as Congress may provide. This is why the District Courts are held at so many different places in the same State.

318. Judges.—In each district, a judge is appointed by the President and confirmed by the Senate. He may hold his office for life or retire from service on full pay at the age of seventy, if he has served for ten consecutive years. By special act of Congress the salary of the district judge is fixed, ranging from two to six thousand dollars a year.

319. Jurisdiction.—The District Court has original jurisdiction in all cases both civil and criminal arising under any of the United States laws, except when such jurisdiction has been given to some other higher court.

320. District Marshal.—In each of these districts, except as otherwise provided, a United States marshal is appointed by the President for a term of four years.

He gives bond before entering upon the discharge of his duty, and has power to appoint as many deputies as may be necessary to transact the business of the district. He receives such compensation as Congress may from time to time provide for his district. In many cases the United States marshal receives as much as \$5,000 a year.

321. District Attorney.—In each judicial district, except as otherwise provided, a district attorney is appointed by the President for a term of four years. He is a person learned in the law and acts as an attorney for the United States. A district attorney receives such salary as Congress may prescribe for his district.

322. Clerk.—The judge of each judicial district appoints a clerk whose duty it is to record all proceedings of the court. On the application of the clerk to the district judge, as many deputy clerks may be appointed by said judge as are necessary to record the business of the court in a reasonable time. The emoluments of the clerks and deputy clerks are fixed by special acts of Congress.

CIRCUIT COURT OF APPEALS.

323. Provision.—In 1892, Congress provided for the establishment of a circuit court of appeals in each judicial circuit, which consists of three judges, the chief justice, or one associate justice, the circuit judge, and one district judge, any two of whom constitute a

quorum. It is a court of records with appellate jurisdiction only.

324. Clerk and Marshal.—The court has power to appoint a clerk and a marshal, whose duties are the same as the clerk and marshal of the United States Supreme Court. (See Art. 309.) The clerk receives \$3,000 and the marshal \$2,500 a year.

325. Location and Term.—In each judicial circuit of the United States, at least one term of the Circuit Court of Appeals shall be held annually. Congress has established a court at each of the following places and has given the court power to designate other places if the business of the court demands it:

First Circuit	Boston.	Fifth Circuit.....	New Orleans.
Second Circuit.....	New York.	Sixth Circuit.....	Cincinnati.
Third Circuit.....	Philadelphia.	Seventh Circuit....	Chicago.
Fourth Circuit.....	Richmond.	Eighth Circuit.....	St. Louis.
	Ninth Circuit.		San Francisco.

326. Disqualification.—No judge can sit as judge of the Circuit Court of Appeals when the case appealed has been tried before him in a lower court.

COURT OF CLAIMS.

327. Establishment.—In 1854, February 24, Congress established the Court of Claims. It is composed of one chief justice and four associate justices, who are appointed by the President and confirmed by the Senate. Each of them take an oath to support the Constitution of the United States and to discharge the duties of his office faithfully. The

judges hold their office for life or during good behavior, and receive an annual salary of \$4,500.

328. Term.—The Court of Claims holds one annual session at the city of Washington, beginning on the first Monday of December and continuing as long as may be necessary for the prompt disposition of the business of the court. Any three of the judges constitute a quorum.

329. Object.—The Court of Claims was established for the purpose of hearing claims against the United States; so when any one has a claim against the United States, it is submitted to the Court of Claims for trial. Congress usually allows all claims declared to be legal and just by this court.

330. Other Officers.—The Court of Claims has power to appoint a chief clerk, who receives \$3,000 a year; an assistant clerk, who receives \$2,000; a bailiff, who receives \$1,500 a year; and a messenger, who receives \$840. The duties of these officers are readily understood from the titles.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

331. Judges.—The Supreme Court of the District of Columbia is composed of six judges, one chief justice and five associates, appointed by the President and confirmed by the Senate. They hold office for life or during good behavior. The chief justice receives \$5,000 and the five associate justices each re-

ceive \$4,500 a year. A quorum consists of any two sitting together. They must agree in order to have a decision of the court.

332. Jurisdiction.—All cases arising in the District of Columbia are tried first in the Supreme Court of the District of Columbia, after which an appeal may be taken to the Supreme Court of the United States. Its jurisdiction does not extend beyond the bounds of the District. It was organized for no other purpose than to try cases arising within the District of Columbia.

TERRITORIAL COURTS.

333. Judges.—In each Territory, United States courts have been organized and are very much like the United States District Courts. They are composed of three judges, one chief justice and two associate justices, appointed by the President for a term of four years and subject to removal at any time. They each receive \$3,000 annually.

334. Term of Court.—The three judges, two of whom constitute a quorum, hold one term of court annually at the seat of government of the Territory. This is known as the Supreme Court of the Territory.

335. District Courts of the Territory.—Every Territory is divided into three judicial districts; and a district court is held in each district of the Territory by one of the justices of the Supreme Court of the Territory at such time and place as may be prescribed by

law; and each judge, after assignment, must reside in the district to which he is assigned.

336. Jurisdiction.—These courts exercise jurisdiction—original, appellate, and chancery—over all cases arising within the borders of the Territory unless otherwise provided by law.

337. Marshal, Attorney and Clerk.—In each Territory, a United States marshal and an attorney are appointed for a term of four years by the President and confirmed by the Senate. The judges have power to appoint such clerks as may be necessary.

JURIES.

338. Grand and Petit.—In all of the United States courts there may be grand and petit juries, each corresponding to the grand and petit juries of the State courts. They are selected in such a way, by the various courts, as may be provided by law, and usually consist of twelve or sixteen men. Special acts are passed regulating these affairs.

REVIEW QUESTIONS.

1. In what is the judicial power of the United States vested? 2. Name the United States courts. 3. What does "jurisdiction" mean? 4. Explain original and concurrent jurisdiction. 5. Name some of the classes of suits under the jurisdiction of the United States courts. 6. What does admiralty and maritime jurisdiction mean? 7. How long do United States judges hold office? 8. Why? 9. How are they elected or chosen? 10. Give salary of Chief-Justice

and associates. 11. Who was the first Chief-Justice? and who is now? 12. Name one other and tell who appointed him. 13. Who has precedence? 14. When does the Supreme Court hold its sessions? 15. Give jurisdiction of Supreme Court. 16. What other duties has the Supreme Court besides hearing complaints? 17. Give other officers of the Supreme Court. 18. How many judicial circuits are there? 19. Where is the first? 20. Give two States in each of the others. 21. In which is your State? 22. What is the jurisdiction of Circuit Courts? 23. What do the Supreme Judges have to do with the nine judicial circuits? 24. Do the Supreme Judges visit the circuits? 25. Explain the duties of the Judges of the United States judicial circuits. 26. Who sits as Judge or Judges of the Circuit Courts? 27. Where are Circuit Courts held? 28. What are judicial districts? 29. How many judicial districts in your State and in which one are you located? 30. Are there special court-houses provided for each district? 31. Are districts subdivided? 32. Tell what you can of the District Judge. 33. What is the jurisdiction of the District Court? 34. How are United States District Marshals chosen or elected and for what length of time? 35. Give duties, appointment, and term of District Attorney. 36. How is the Clerk of a District Court appointed, and what are his duties? 37. How many Circuit Courts of Appeals are there? 38. How many Judges for each? 39. What is the object of each. 40. Where are the courts located? 41. Of what is the Court of Claims composed? 42. How and by whom are they appointed? 43. Give salary and term of office of each. 44. What is the object of the Court of Claims? 45. What other officers has the Court of Claims? 46. Of what is the Court of the District of Columbia composed? 47. What salary does each receive? 48. What is the jurisdiction and object of this court? 49. Explain Territorial Courts. 50. Explain Territorial District Courts. 51. What jurisdiction have they?

CHAPTER XIII.

The United States.(CONTINUED.)

EXECUTIVE DEPARTMENT.

339. Definition.—The word “execute” means politically to perform, to put into action, or to carry into effect, hence the Executive Department of our government is that branch which performs, puts into action, or carries into effect the laws of our country. It is rather the superintendent of the affairs of the government.

340. President.—The executive power of the national government is vested in the President of the United States, there having been up to the present time, with Mr. McKinley, twenty-five, four of whom* became President on account of the death of the chief executive.

341. Qualifications.—The President and Vice-President must be native-born citizens, at least thirty-

*John Tyler, Millard Fillmore, Andrew Jackson, Chester A. Arthur.

five years of age, and must have lived as much as fourteen years in the United States.

342. Term and Salary.—The President is elected for a term of four years, and receives annually \$50,000. Many of our Presidents have served two terms, but no one has ever served three. There is no national law prohibiting it, but George Washington set the example and custom has made it an unwritten law and no one has ever attempted to violate it, and perhaps never will, for popular opinion is very much against it.

343. Vacancies.—Should a vacancy occur in the office of President, by death, resignation, removal from office, or inability to serve, the Vice-President takes his place. In order to prevent the office of President from becoming vacant at any time, Congress January 19, 1886, provided that in case of death, resignation, removal from office, or inability of the President and Vice-President to serve, the members of the Cabinet shall become President in the following order: 1, Secretary of State; 2, Secretary of the Treasury; 3, Secretary of War; 4, Attorney-General; 5, Postmaster-General; 6, Secretary of the Navy; 7, Secretary of the Interior; 8, Secretary of Agriculture.

No one of the above officers shall fill the office of President who does not possess the Constitutional qualifications given in Art. 339. It is the duty of any member of the Cabinet, on becoming President, to call a special session of Congress, giving only twenty days'

notice. Any one who becomes President has all the powers and duties and privileges belonging to the President, and draws the same salary.

344. Vice-President.—The Vice-President has no duties to perform other than that of President of the Senate, in which case he has no vote except in case of ties. He is elected for a term of four years, in the same manner and at the same time that the President of the United States is elected; except, when the election of President and Vice-President falls into the hands of Congress, the Vice-President is elected by the Senate and not by the House.

If the office of Vice-President becomes vacant, the Senate elects a temporary President, who serves until the office is filled by the regular presidential election. The salary is \$8,000 a year.

ELECTION OF THE PRESIDENT.

In order to understand the election of the President, we must know something of party machinery. Hence we will take the matter up as nearly as possible just as it takes place.

345. National Committee.—Each of the great political parties has at present a “National Committee.” The Democratic National Committee was chosen by the last Democratic National Convention; the Republican National Committee was chosen by the last Republican National Convention, and so on with any political party that may exist. These committees

continue for four years, and consist of one member from each State and Territory. The National Committee appoints a sub-committee called

346. Campaign Committee.—This committee looks after the political campaign, distributes the literature of the party, such as speeches, pamphlets, newspapers, and so on, arranges for public speeches and selects men to make them, and collects all money necessary to defray the expenses of the campaign and the election.

347. State Committees.—Each political party in the various States has what is called a State Committee. It is usually composed of members from each congressional district, sometimes a member from each county. The duties of this committee relative to the State are very much like those of the National Committee to the United States—that is, to carry on the political affairs of the State in the most effective way.

348. Other Committees. — There are usually county committees consisting of one member from each township, congressional district committees consisting of one member from each county composing the district, and township committees. It is readily seen that the duties of all these committees are to assist in executing political plans and each to force its political party into power.

349. National Convention.—A few months before the election of a President, the National Committee of each party designates a place and there calls

a national convention for its own party, as in 1896 the Democratic National Committee selected Chicago, and there called the Democratic National Convention, and the Republican National Committee selected St. Louis, and there called its National Convention.

350. Members.—There are more than nine hundred delegates at the National Convention, composed of the strongest political men of our country. The National Convention consists of four delegates from each State, two from each congressional district, and two from each Territory. For example:

Forty-five States, four delegates each.....	180 delegates.
Three hundred and fifty-seven congressional districts, two delegates each.....	714 delegates.
Four Territories, two delegates each.....	8 delegates.

Total number of members in National Convention 902 delegates.

351. National Convention Called.—When the National Committee of each party calls the National Convention all of the above delegates must be selected by the various States and Territories and sent to the convention. The State committee then calls a State convention, designating the time and place, for the purpose of electing or choosing delegates for the National Convention. Now, since the State convention is composed of delegates from each county, therefore the county committee calls a county convention for

the purpose of sending delegates to the State convention, and since the county convention is composed of delegates from the various townships of the county, so the township committee calls

352. A Township Convention.—At the township convention, or meeting, delegates are chosen for the county convention and are usually instructed to vote a certain way.

353. County Convention.—The county convention, at the stated time, convenes and proceeds at once to elect delegates to the State convention and to transact any other business that may be brought before it relating to the political affairs of the county.

354. State Convention.—The delegates from the various counties of the State meet at the time specified in the call of the State committee and organize themselves into a State convention, by electing a chairman and a clerk, or a secretary. Delegates are then elected to the National Convention in the following manner:

(1.) The State convention as a whole elects four who represent the two United States Senators.

(2.) The members from each congressional district elect two who represent the lower house of Congress, or in other words each United States representative. The convention elects one alternate for each delegate, so that in case the delegate is unable to attend the alternate delegate may take his place.

Any other business concerning the campaign or any business of a political nature may be brought before the convention, and other committees necessary to carry into effect the plans of the campaign are appointed.

355. Organization and Work of the National Convention.—At the time and place designated by the National Committee, all of the delegates from the various States and Territories assemble, and proceed to organize. The convention is called to order by the chairman of the National Committee. First a temporary and then afterwards a permanent chairman is elected. The National Committee is then appointed by the delegates from each State naming its member. A declaration of principles called a “Platform” is adopted. Each principle in the platform is called a “plank.”

356. Nomination for President.—Just before the close of the convention, candidates for President and Vice-President are nominated. It is usually postponed to the close of the convention, so that the members may be able to ascertain who is most suitable to fill the office of President and Vice-President; who can most forcibly explain the principles set forth in the platform of the party, and who can most successfully execute the principles of the platform.

357. Time.—Each of the political parties having chosen a candidate for President and Vice-President at the national convention and the campaign having

been completed, the people, on Tuesday after the first Monday in November of every year divisible by four, meet, at their regular polling places for electing State and county officers, and cast their votes for President and Vice-President as explained in the following paragraphs:

358. Electors.—Each of the political parties in the various States, either in the State convention for electing delegates to the National Convention, or in a called convention for the purpose, choose as many men from different parts of the State as the State has Senators and Representatives. Each party selects the same number. These men are called presidential electors. The electors in all the States, considered collectively, are called the “Electoral College.” The vote cast by these men for President and Vice-President is called the electoral vote. The following is the electoral vote of each State in the year 1896:

EACH STATE'S ELECTORAL VOTE IN THE YEAR 1896.

Alabama.....	11	Maine.....	6	Oregon.....	4
Arkansas.....	8	Maryland.....	8	Pennsylvania.....	32
California.....	9	Massachusetts.....	15	Rhode Island.....	4
Colorado.....	4	Minnesota.....	9	South Carolina.....	9
Connecticut.....	6	Mississippi.....	9	South Dakota.....	4
Delaware.....	3	Missouri.....	17	Tennessee.....	12
Florida.....	4	Montana.....	3	Texas.....	15
Georgia.....	13	Nebraska.....	8	Utah.....	3
Idaho.....	3	Nevada.....	3	Vermont.....	4
Illinois.....	24	New Hampshire.....	4	Virginia.....	12
Indiana.....	15	New Jersey.....	10	Washington.....	4
Iowa.....	13	New York.....	36	West Virginia.....	6
Kansas.....	10	North Carolina.....	11	Wisconsin.....	12
Kentucky.....	13	North Dakota.....	3	Wyoming.....	3
Louisiana.....	8	Ohio.....	23		

Total number of Electoral votes 1896, 447—357 Representatives, 90 Senators—447.

359. Ticket, and Election of Electors.—Instead of placing the names of the candidates for President and Vice-President on the ticket to be voted upon as explained in Art. 358, the names of the electors of each party under their proper headings are placed on the ticket, as indicated on the following ballot:

OFFICIAL BALLOT. Presidential Election.		The names of the President and Vice-President of each party is frequently placed on the ticket just above the names of the electors.	
Tuesday, Nov. 3, 1896.		(Continued.)	(Continued.)
<i>Democratic Electors:</i>		<i>Republican Electors:</i>	<i>Populist Electors:</i>
1. S. A. Jones.		1. G. M. Smith,	1. W. L. Williams,
2. H. R. Thompson,		2. J. D. Caldwell,	2. S. W. Brown,
3. J. W. Johnson,		3. F. P. Manning,	3. I. R. Borough,
4. C. W. Connell,		4. G. P. Dowell,	4. A. N. Hall,
5. S. M. Powell,		5. C. L. Taylor,	5. J. D. McCommon,
6. A. L. Spencer,		6. R. M. Malone,	6. E. R. Howard,
7. D. V. Walker,		7. D. C. Dickson,	7. P. W. George,
8. J. K. Cummings.		8. R. K. Dolson.	8. S. O. Banks.

Each State, of course, has a form of ballot of its own, differing in form from the above, but in substance the same. It would not be practical to show all the forms of ballots here, as used by the different States.

360. Election of Electors.—On the first Tuesday after the first Monday in November, at the regular polling places as explained in Art. 358, the people meet and cast their votes for the electors of their political party. This is done by scratching off or crossing out the names of all the electors of the other party or parties. (See Arts. 190, 191, and 194.) So we see that the people do not vote for the President and Vice-President directly, but vote for men who, as we shall see further on, meet and elect the President.

361. Returns.—After the election, the election commissioners of the various counties forward to the State capital the returns, where they are counted and the result declared by the Board of Election Commissioners of the State. (See Art. 174.) (7.) The Governor and Secretary of State issue certificates of election to the various electors, stating that they have been chosen as presidential electors.

362. Election of President by Electors.—The law requires that “The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate.

363. Privileges of Electors.—The law does not require the electors to vote for the candidate for President and Vice-President of the party electing them, but certainly no man would be so dishonorable as not to voice the sentiment of the political party choosing him, especially when it is understood that he has been chosen for that purpose. At one time they were chosen for the purpose of deliberately electing the

President and Vice-President; but now it is understood that when a man is chosen elector, he will voice the sentiment of his party.

364. Returns Transmitted to Congress.—At this meeting the electors make, sign, certify, and seal three separate lists containing the votes for President and Vice-President. Two of these lists are sent to the United States Senate, one by mail and the other by a special messenger. The third list is filed with the United States district judge of the district in which the capital is located.

365. Counting of Votes.—“The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of electors appointed.”

The law provides that “Congress shall be in session on the second Wednesday in February succeeding every meeting of electors, that the Senate and House of Representatives* shall meet (in joint session) in

***JOINT MEETING OF THE HOUSE—HOW OFFICERS AND MEMBERS SHALL BE SEATED.**—The law provides “That at such joint meeting of the two houses seats shall be provided as follows: For the President of the Senate, the Speaker’s chair; for the Speaker, immediately upon his left; for the Senators, in the body of the hall upon the right of the presiding officers; for the Representatives, in the body of the hall not provided for the Senators; for the tellers,

the hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, that the President of the Senate shall be their presiding officer," and that each house shall have previously appointed two tellers to whom all certificates, as they are approved and read by the President of the Senate, shall be handed and by them listed or recorded.

366. Election by the House.—"If no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

"And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President."

367. The Vote for Vice-President.—The person

Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two houses, in front of the Clerk's desk and upon each side of the Speaker's platform."

having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

368. Popular and Electoral Vote.—The sum of all the votes cast at any election for the electors is called the “Popular” vote, or the vote of the people, and the sum of the votes cast for President and Vice-President by the electors is called the “Electoral” vote, or the vote by the electors. It sometimes happens that the candidates for President and Vice-President are elected by the electoral vote and yet receive a minority of the popular vote.

369. Majority and Plurality Vote.—A majority vote means more than one-half of all the votes cast, while a plurality means more votes than any one else has. For example, A, B, and C run for office, the returns being as follows: A receives 1,250 votes, B receives 1,000, and C 700. In this case A was not elected by a majority vote. For 1,250 plus 1,000 plus 700 equals 2,950 votes, this divided by 2 equals 1,475. In order for A to be elected by a majority vote he should have received no less than 1,476. But in the above case he was elected by a plurality of 250, be-

cause he received 250 more than any one else. Most of our officers are elected by a plurality vote, especially when there are more than two running for office.

370. Contested Elections.—It sometimes happens that each of the political parties in a State believes that its electors have been duly elected. In such a case, both sets of electors may meet and each cast their votes for President and Vice-President, certify, seal, and send them to Congress. If the State makes no decision as to which is correct, the two houses may decide. But if the two houses fail to decide, the State loses its vote. After the above law was passed in 1887, the States, under the laws governing contested elections in the same, always decide in order that their vote may not be lost.

371. Inauguration.—The President and Vice-President are sworn into, or take the oath of office on the fourth of March next following their election.

372. Oath.—In the presence of the Senate, the Vice-President is first sworn into office and afterwards the President, who takes the following oath, administered by the Chief Justice of the United States Supreme Court:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and that I will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

After the President has taken the oath of office, he delivers an address to the people in which he outlines the plans which he wishes to pursue during his administration. This having been done, the President and Vice-President are ready to enter upon the discharge of their duties.

373. White House.—In Washington city, an elegant mansion has been erected, and is maintained at public expense, in which the President and his family reside.

374. President's Household Officers.—The President is authorized to appoint, or employ, in his official household the following officers:

1. One private secretary, at a salary of \$3,500 a year.

2. One assistant secretary, who shall be a shorthand writer, at a salary of \$2,500 a year.

3. Two executive clerks, at a salary of \$2,300 a year each.

4. One steward, at a salary of \$2,000 a year, who shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and other public property in the President's mansion, and shall discharge such other duties as the President may assign him, and

5. One messenger, at a salary of \$1,200 a year.

Total expense for household officers \$13,800 a year.

375. Receptions.—In the Declaration of Independence we find this clause: "All men are created equal." In accordance with this clause, at stated times, the President throws open his doors and has a public reception. At this time, all people, both rich and poor, all alike, may call upon him. This is to signify a spirit of equality.

376. Administration.—The term of office for which the President is elected, is called an "Administration." When a President serves two terms, they are usually spoken of as his first or second administration.

POWERS OF THE PRESIDENT.

377. Responsibility.—Since the President holds the highest office in the gift of the people, it naturally follows that the greatest responsibilities rest upon him. They are so great that it is thought that no man is able to perform them well for a longer period than eight years. He has to direct the machinery of the whole government and is in a great measure held responsible for it. Under his direction, about one hundred and twenty thousand officers are appointed to assist in executing the plans of the government.

378. Commander-in-Chief.—The Constitution provides that the President shall be Commander-in-Chief of the army and navy of the United States and of the militia of the United States, when called into the actual service of the United States. Since in time of

war, promptitude is one of the most important factors, it was thought best to put this matter into the hands of one man so that there would be no delay whatever on account of difference of opinion.

The President, of course, is the proper person for the position, as he has to execute the plans of the government. He does not go into the field and engage in actual service, but remains at the seat of government and superintends all operations as they are executed by his generals.

379. Written Information.—The President may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices. Any of these officers, who have charge of a single or an individual branch of the government, and gives his entire time and attention to it, is better able to understand and know the needs of such department than any one man who must superintend the whole.

380. Pardons and Reprieves.—The President has power to grant pardons and reprieves for offences against the United States, except in case of impeachment. He has no power, of course, over a State court. He only has power to grant pardons and reprieves where the conviction has been in a United States court.

A “reprieve” is the withdrawing of a sentence (usually of death) for an interval of time. It simply means a suspension or a delay. There are many

reasons why a reprieve should be granted, as for example, if new evidence should arise after a man has been condemned to death showing that he might possibly be innocent, before his execution, these things ought to be determined.

381. Treaties.—The President has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur.

382. Appointive Power.—The President has power to nominate, and by and with the advice and consent of the Senate, appoint ambassadors,* other public ministers† and consuls, judges of United States Courts,‡ and all other officers of the United States whose appointments are not otherwise provided for. He has power to appoint many other inferior officers without the advice and consent of the Senate. Congress has power to regulate these matters.

383. Vacancies.—The President has power to fill all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

DUTIES OF THE PRESIDENT.

384. Message.—The President, at the opening of each session of Congress, sends to each house, a mes-

* See ambassadors, Article 402.

† See ministers, Article 402.

‡ See the subjects of courts.

sage, which is read to the members and published in the newspapers of the country. In this message, such measures are recommended, as in the opinion of the President, will best promote the interest and welfare of the people. All information that he can collect from the heads of the different departments is laid before Congress, and the passage of such measures, as, in the opinion of the heads of the different departments or the President, may seem expedient, is recommended.

385. Special Sessions of Congress.—Whenever the public welfare demands it, he may call a special session of Congress, or he may call either house to convene. At a special session of Congress no business is transacted other than that for which the session was called. (See Art. 211.)

386. Adjournment.—In case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper. No President has ever exercised this authority, for such a case has never arisen.

387. Reception of Foreign Ministers.—It devolves upon the President to receive foreign ministers or agents from foreign countries. He has power to receive or not to receive, just as he thinks proper. To receive a minister signifies friendly relations, or friendship; to refuse is the opposite.

388. Execution of Laws.—The Constitution says, “He shall take care that the laws are faithfully exe-

uted." He is required above all things to see that the laws of the Union are faithfully executed and to see that all State officers and citizens conform to them.

389. Commission.—All officers of the United States, before they enter upon the discharge of their duty, must be commissioned by the President.

CABINET.

390. Members.—The President has power to select at the beginning of his administration, by and with the consent of the Senate, eight men as his council, or official advisers. Congress has divided all the business affairs of our government into eight general divisions known as "Departments." The President assigns to each of these departments one of the above eight men, known as the "Head of the Department." He selects men, of course, of his own political faith, whom he thinks to be especially qualified and adapted to transact such business as belongs to the department to which they are each assigned. The President performs most all the duties of his office through the bureaus, officers, agents or clerks of these departments. He takes them into his counsel, receives written reports from them, and receives such assistance from them as will enable him to execute the plans of the administration.

391. Departments.—Congress has power to create new departments whenever it becomes necessary.

Washington's first Cabinet* consisted of a Secretary of State, Secretary of the Treasury, and Secretary of War. Congress has from time to time organized new departments until at present there are eight. The heads of these departments are as follows: (For time of organization, see each department.)

Secretary of State; Secretary of the Treasury; Secretary of War; Attorney-General; Postmaster-General; Secretary of the Navy; Secretary of the Interior; and Secretary of Agriculture.

If the office of President should become vacant by death, resignation or removal from office of both the President and Vice-President, the members of the Cabinet would become President in the above order.

392. Term and Salary.—The members of the Cabinet are appointed for a term of four years, and receive \$8,000 a year. They are held responsible for the conduct and management of the affairs of their respective departments. Therefore they may be removed from office at any time by the President.

393. Departmental Regulations.—The head of each department has power to prescribe regulations, not inconsistent with law, for the government of his department and the conduct of its officers.

394. Cabinet Meetings.—The President holds

*The members of Washington's first Cabinet were: Thomas Jefferson, Virginia, Secretary of State; Alexander Hamilton, New York, Secretary of the Treasury; Timothy Pickering, Massachusetts, Secretary of War.

frequent meetings of the Cabinet for the purpose of considering official business. Each member may suggest to him such plans as seem expedient. However, he may reject all and act upon his own judgment.

395. Reports.—The head of each of the departments must make an annual report to Congress, setting forth the general condition of the affairs of his department, and the amount of money expended, to whom paid and for what purpose.

DEPARTMENT OF STATE.

396. Organization.—The Department of State was organized with our government. It was first called "Department of Foreign Affairs," but afterwards changed to "Department of State." It is the highest office in the Cabinet. The Secretary of State is the head of this department.

397. Subordinate Officers and Salaries.—The Secretary of State has three assistants, appointed by the President, by and with the consent of the Senate, and known as First Assistant Secretary of State, Second Assistant Secretary of State, and Third Assistant Secretary of State, each of whom receive \$3,500 a year. He has also one chief clerk at a salary of \$2,500 a year; two chiefs of the Diplomatic Bureaus, at a salary of \$2,400 a year each; two chiefs of the Consular Bureau, at a salary of \$2,400 a year; one chief of the Bureau of Accounts at a salary of \$2,400 a year; one chief of the Bureau of Indexes and

Archives at a salary of \$2,400 a year, and one disbursing clerk.

398. Duties.—The Secretary of State keeps the seal of the United States and affixes it to all commissions signed by the President. He has the custody and charge of all the original draughts of treaties, laws, public documents, as books, records, and papers, and carries on all the correspondence with foreign countries. He performs all duties relative to correspondence, commission, or instruction to or with public ministers or consuls from the United States. He has charge of all the negotiations of treaties—that is, arranges the time and place and adjusts other matters which naturally precede a treaty, corresponds with foreign ministers and issues such instructions as will guide our own agents or ministers in foreign countries. He shall within ten days after the meeting of Congress make a compendious statement of the affairs of his office. He receives foreign ministers and presents them to the President.

399. Passports.—The Secretary of State issues passports to citizens of the United States wishing to travel in foreign countries. It first meant, “permission to pass through a port.” It is simply a statement now, to the effect that the bearer is a citizen of the United States, and further, what the officer issuing it believes the person to be. The fee for issuing a passport is one dollar.

400. Bureaus.—The business of each department

has been subdivided in the same manner as the affairs of the government. The subdivisions of a department are called "Bureaus." They bear the same relation to a department that the department bears to the general government. A chief or a superintendent of the bureau is appointed. He looks after the business of his department.

401. Diplomatic Bureau.—At the head of this bureau are two chiefs. They look after the "Diplomatic Service" of our government, and, under the direction of the Secretary of State, correspond with foreign ministers, and transact such business as relates to foreign affairs.

402. Officers.—The diplomatic officers include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners and agents. The duties of these officers are the same, the only difference being in rank; such rank being determined by the power and influence of the country to which they are sent. For example: Envoys extraordinary and ministers plenipotentiary are sent to France, Germany, Great Britain, and Russia and receive a salary of \$17,500 each; ministers resident are sent to Portugal, Switzerland, Greece, etc., and receive a salary of \$7,500 each, and the agent to Alexandria receives \$3,500. They are all sent for the same purpose. Commissioners are usually sent for a special purpose and when that is completed, return.

403. Duties.—The diplomatic officers negotiate

treaties with foreign countries under the direction of the Secretary of State, keep our government informed in regard to foreign affairs, and maintain friendly relations with other countries.

The law does not allow them to engage in any commercial transactions or in any business of any kind relating to commerce.

404. Consular Bureau.—At the head of this bureau are two consular chiefs who look after the consular service, just as the chiefs of diplomatic service look after the business of their department.

405. Distinction.—Before going further a distinction should be made between diplomatic service and consular service. Diplomats are sent to the government as a whole and are expected to transact business between the two governments; while with the consular service it is not so.

406. The Object.—The chief object of the consular service is to look after the commerce of our country. All of the officers are expected to see that the commercial laws of our government are enforced, to see that the rights of American citizens are protected, to keep the papers of American vessels while in port, to hear the complaints of seamen, to care for mariners in destitute circumstances, to have mutinous sailors arrested and sent back for trial, to record the tonnage of vessels, the kind and value of the cargo, to take possession of the property of American citizens who die abroad and to see that it is returned to the

proper heirs, and to look after other affairs relative to commerce.

When charges are brought, by other countries, against citizens of America, the case is tried frequently before a consul.

407. Consular Districts.—Congress has divided the foreign countries into divisions called consular districts. In each consular district, a consular-general, a consul, or a commercial agent is appointed, who resides at the principal city of the district to which he is accredited; for example, the consul-general of Great Britain lives at London; of British North America, at Montreal; of France, at Paris, etc. These officers are designated as principals, or principal officers.

408. Subordinate Officers.—At each of the principal commercial cities of the consular district, subordinate officers are appointed and are known as deputy-consuls or consular agents. The duties of all the above officers will be found in Art. 406.

409. Substitutes.—Vice-consuls and vice-commercial agents are appointed for the purpose of taking the places of the consul-generals, consuls, or commercial agents when they are not able to perform their duties. Ministers resident sometimes perform the duties of consul.

410. Salary.—All the consular officers receive such compensation as Congress provides. Some officers receive \$7,500, while others receive only \$1,000.

TREASURY DEPARTMENT.

411. Organization.—The Treasury Department is one of the original departments and provisions were made for it at the time of the organization of the National government. The head of this department is the Secretary of the Treasury.

412. Duties.—The Secretary of the Treasury has the control and management of the entire financial system of our government. It is his duty to look after the collection of revenues, operation of national banks, collection of internal revenues, coinage of money, inspection of steam vessels, the conduct of custom-houses, the marine hospital, life-saving service, and coast surveys; to devise or suggest plans for raising revenues, and to manage the national debt. He has many and grave responsibilities, hardly suggested here.

413. Officers.—To transact the business of the Treasury Department, it requires more than seventy officers. Some of the principal officers are, two assistant secretaries of the treasury, two comptrollers, six auditors, a treasurer, a register of the treasury, and the heads of the different bureaus.

414. Assistant Secretaries.—It is the duty of the assistants to examine all letters, contracts, warrants, or other papers or documents prepared for the signature of the Secretary of State. They are appointed by the President and confirmed by the Senate, and receive \$4,500 each.

415. Comptrollers.—In the Treasury Department there are two comptrollers, designated as first and second. They are appointed by the President and confirmed by the Senate. They each receive \$5,000 a year. The First Comptroller examines all accounts settled by the first and the fifth auditors, and countersigns certain warrants drawn by the Secretary of the Treasury. The Second Comptroller examines all accounts settled by the Second, Third, and Fourth Auditors and countersigns warrants drawn by the Secretaries of the War and the Navy departments.

416. Auditors.—In the Treasury Department there are six auditors, appointed by the President and confirmed by the Senate. Each receives \$4,000 a year.

FIRST AUDITOR settles all accounts in the civil service department, all accounts of judges, marshals, clerks, and all expenses of the United States courts, national debt, custom-houses, etc.

SECOND AUDITOR settles all army accounts, Indian accounts, and all accounts relating to the agents of lead or other mines of the United States.

THIRD AUDITOR settles all accounts relative to the subsistence of the army, war claims, pensions, and relative to other claims for losses on account of transportation.

FOURTH AUDITOR settles all accounts accruing in the Navy Department or relating thereto; and all accounts relating to navy pensions.

FIFTH AUDITOR settles all accounts relating to the Department of State, internal revenues, census and the patent office.

SIXTH AUDITOR settles all accounts relating to the postal service.

Remark: The duties of the above auditors could not be treated very fully here, as space would not permit. On pages 46 and 47 of the United States Revised Statutes may be found their duties particularized.

417. Treasurer.—In the Treasury Department there is one treasurer, appointed by the President and confirmed by the Senate. He has personal charge of the money, gives bond in the sum of \$150,000, and is entitled to a salary of \$6,500 a year. He has one assistant appointed in the same manner as he is, who receives \$2,800 a year. The treasurer receives all money and disburses the same upon warrants drawn by the Secretary of the Treasury, countersigned by either of the comptrollers, and recorded by the register.

418. Register.—The President, by and with the consent of the Senate, appoints a register in the Treasury Department. His salary is \$4,000 a year. He has one assistant appointed in the same manner as he is. He registers all receipts and expenditures of public money, and all debts due to or from the United States. His books show at all times the financial condition of the government.

419. Commissioner of Customs.—The Commissioner of Customs is appointed by the President and confirmed by the Senate. His salary is \$4,000 a year. He has charge of the collection of all duties and customs on goods shipped from foreign countries.

420. The Commissioner of Internal Revenue, under the direction of the Secretary of State, superintends the assessment and collection of all duties and taxes imposed by law providing for internal revenues, as revenues on tobacco, liquors, etc. He is appointed by the President and confirmed by the Senate and receives \$6,000 a year.

421. The Comptroller of the Currency looks after the National Bank system of the United States. This officer is appointed by the President and confirmed by the Senate. He serves for a term of five years at a salary of \$5,000 a year. His bond is \$100,000. This department with all of its officers is called a bureau.

422. Bureau of Statistics.—The object of the bureau of statistics is the collection, arrangement, and classification of such statistical information as may be produced, showing each year the condition of the manufactures, domestic trade, currency, and banks of the several States and Territories. At the head of this bureau is one division clerk, who receives \$2,500 a year. He is appointed by the Secretary of the Treasury.

423. Bureau of the Mint.—At the head of this

department is an officer, appointed by the President and confirmed by the Senate, styled the "Director of the Mint." His salary is \$4,500 a year. He has charge of the coinage of money, and all assay offices for the stamping or making of coins.

424. Other Officers.—There are other officers who look after the coast surveys, violations of revenue laws, crimes against the financial system of the United States, marine hospital, plans for all kinds of government buildings, and the execution of designs for stamps, bank-bills, or any other designs for public documents.

WAR DEPARTMENT.

425. Organization.—The War Department is one of the original divisions of our government. The Secretary of War is the head of this department.

426. Duties.—It is the duty of the Secretary of War to have charge of all the land forces, under the management of the President, to have the custody of all books, papers and documents pertaining to his department, to superintend the expenditure of all money appropriated by Congress for the improvement of rivers, harbors, etc., of the United States; to supervise the transportation of all troops, munitions of war and war supplies, to look after the establishment of signal stations, and to superintend the expenditure of appropriations made for the military academy at West Point.

427. Officers.—The Secretary of War has one assistant at a salary of \$4,500 a year. He performs such duties as the secretary may assign to him. He also has an adjutant-general, quartermaster-general, paymaster-general, inspector-general, commissary-general, judge-advocate-general, surgeon-general, a chief of engineers, chief of ordnance, and a military justice, with a number of clerks to assist each.

428. Duties of Officers.—The ADJUTANT-GENERAL issues the President's military orders, looks after army correspondence, and keeps all records of the army.

The QUARTERMASTER-GENERAL purchases and distributes to the army all the military stores and supplies, furnishes means of transportation for the army and army supplies, and looks after national cemeteries.

The PAYMASTER-GENERAL has charge of the payment of the army and of the officers of the military academy at West Point.

The INSPECTOR-GENERAL looks after the inspection of all army equipments.

The COMMISSARY-GENERAL provides all necessary provisions for the army.

The SURGEON-GENERAL has charge of the army hospital and provides medical aid for the army.

The CHIEF OF ENGINEERS looks after the improvement of forts, rivers, etc.

The CHIEF OF ORDNANCE has to furnish guns, direct

the construction of cannon, war devices, carriages, ammunition, wagons and other apparatus.

The JUDGE-ADVOCATE-GENERAL has charge of the prosecution of crimes committed in the army and to review sentences passed by military courts.

429. Military Academy.—Congress has established at West Point, in the State of New York, a military academy for the purpose of training officers for the army. At the head of the school is a superintendent who is assisted by about twenty-eight teachers.

The corps of cadets consists of one from each congressional district appointed by the congressman from the district, one from each Territory, one from the District of Columbia, and ten from the United States at large appointed by the President, and all subject to examination. Congress allows each cadet a sum of money sufficient to defray his expenses while attending school. Appointees must be between the ages of seventeen and twenty-two.

DEPARTMENT OF JUSTICE.

430. Organization.—The Department of Justice is one of the original divisions of government. The Attorney-General is the head of this department.

431. Duties.—The Attorney-General appears as attorney for the United States. He is the legal adviser of the President and the heads of the Executive Department—that is, he shall give his opinion in writ-

ing concerning any points of law relative to the departments.

432. Assistants.—The Attorney-General has one assistant called the Solicitor-General, appointed by the President and confirmed by the Senate, who receives \$1,500 a year; three assistant attorneys-general, one solicitor of the treasury, one solicitor of internal revenue, one naval solicitor, and one examiner of claims. There are a number of clerks appointed to assist each of the above officers in the performance of his duties.

POST-OFFICE DEPARTMENT.

433. Organization.—Congress, in 1829, provided for the establishment of the Post-Office Department. The Postmaster-General is the head of this department.

434. Duties.—It is his duty to manage all affairs relating to the mail of our country, to establish and discontinue post-offices, to establish post-roads, to arrange for the carrying of the mail, to appoint all postmasters whose salary is less than \$1,000, to decide on forms of official papers, to look after the money order systems, etc.

435. Divisions.—The business of the Post-Office Department is divided into the following departments, with a chief clerk or a superintendent at the head of each:

Post-office department, money order department, foreign mail department, dead letter department, mail

depredations and blank-agency. The duties belonging to each of these divisions are clearly suggested by the name.

436. Assistants.—The assistants are appointed by the President and confirmed by the Senate and receive \$4,000 a year.

The FIRST ASSISTANT manages the establishment and discontinuance of post-offices, the appointment of postmasters, the transportation of mail by steamers, control of foreign mail, and the distribution of stationery to the post-offices.

The SECOND ASSISTANT lets contracts for carrying the mails, agrees upon a time for the mail to arrive and depart, and the mode or means of conveying. By an act of Congress all railroads are post-roads.

The THIRD ASSISTANT looks after the financial affairs of the whole system. He provides all stamps and stamped envelopes necessary to supply all post-offices. All settlements by the postmasters throughout the whole country are made with him.

NAVY DEPARTMENT.

437. Organization.—Congress, in 1798, organized the Navy Department. The Secretary of the Navy is the head of this department.

438. Duties.—It is the duty of the Secretary of the Navy to superintend the entire Navy Department, to look after the building of war vessels, to arrange for

all necessary equipments for the navy, and to control yards and docks, navigation, repair of steam vessels, provisions and clothing. He has charge of the Naval Academy at Annapolis, Md., and the Naval Observatory at Washington.

439. Bureaus.—The principal bureaus of the Navy Department are as follows, with a chief clerk of each appointed by the President and confirmed by the Senate, whose duty it is to manage the business of his department as directed by the Secretary of the Navy:

(1.) Bureau of Yards and Docks. (2.) Bureau of Equipments and Recruiting. (3.) Bureau of Navigation. (4.) Bureau of Ordnance. (5.) Bureau of Construction and Repairs. (6.) Bureau of Steam Engineering. (7.) Bureau of Medicine and Surgery. In each of these bureaus there are a number of clerks who assist in executing the business of the department.

440. Duties of Bureaus.—The BUREAU OF YARDS AND DOCKS has charge of the navy-yards, docks, naval buildings, wharves, asylums, and naval machinery.

The BUREAU OF EQUIPMENT AND RECRUITING looks after all necessary supplies, such as fuel, sails, rigging, anchors, seamen, sailors, and young men for the service.

The BUREAU OF NAVIGATION has charge of the Naval Academy, Naval Observatory, and supplies all vessels of war with appliances, such as maps, charts, books, and nautical almanacs which are used by sailors.

The BUREAU OF ORDNANCE has charge of the construction of guns, torpedoes and equipments and the testing of cannon.

The BUREAU OF CONSTRUCTION AND REPAIRS looks after all repairs of naval equipments.

The BUREAU OF STEAM ENGINEERING has the construction of all engines and machinery for the naval department.

The BUREAU OF PROVISIONS AND CLOTHING provides all necessary provisions and clothing and distributes them to the naval forces.

The BUREAU OF MEDICINE AND SURGERY has charge of all medical aid and assistance for the naval forces, such as the naval hospital, distribution of medicine, stores, and instruments for medical work.

441. Naval Academy.—The Naval Academy at Annapolis, Md., was established by the National government and is for the education of officers for the navy, just as the Military Academy prepares them for the army. Cadets are appointed to the Naval Academy just as they are appointed to the Military Academy. There is a superintendent who has charge and control of the school. He is assisted by a number of other teachers. Each cadet receives a sufficient sum of money to defray his necessary expenses at school.

INTERIOR DEPARTMENT.

442. Organization.—Congress, in 1849, created

the Department of the Interior. The Secretary of the Interior is the head of the department. As the name implies this is the department of internal affairs, or the home department.

443. Duties.—The Secretary of the Interior is charged with the supervision of public business relating to the following affairs:

(1.) The census, when directed by law; (2) the public lands, including mines; (3) Indians; (4) pensions and bounty-lands; (5) patents and copyrights for inventors and authors; (6) custody and distribution of publications; (7) education; (8) Government Hospital for the Insane; (9) Columbia Asylum for the Deaf and Dumb.

At the head of each of the above bureaus, is a commissioner or superintendent who is appointed by and with the advice and consent of the Senate.

444. General Land Office.—The Commissioner of the General Land Office has charge of the Government Land Surveys, organization of local land districts, sale and disposal of public land, the issuing of patents and grants, and he operates and manages public mines. His salary is \$4,000 a year. (See Government Land Survey by S. J. Blocher.)

445. Indian Affairs.—The Commissioner of Indian Affairs has charge of all affairs relating to the government of the Indians. He makes treaties with

them, looks after Indian lands, manages the trade with them, and issues rations and clothing for them.

In different parts of the United States are large and well equipped schools for the Indians. These schools are under the general supervision of the Commissioner of Indian Affairs. Superintendents, principal teachers, other teachers, farmers, mechanics, matrons, and others are appointed by the government to have charge of these schools and to teach Indian children the above implied courses.

446. Pensions.—The Commissioner of Pensions has charge of the examination of all pension claims, and the granting or allowing of pensions. To secure a pension, an individual must present to the commissioner, sufficient evidence to prove that he was in the service, that he contracted such disease or received such injuries as set forth in his claims for such pension, and that it was the direct result of his disease or injury.

447. Patents.—The Commissioner of Patents has charge of the granting of patents and copyrights to inventors and authors. This is done to encourage discoveries, improvements, inventions and authorship in our own country. A patent or a copyright gives the person exclusive sale, manufacture, and control of the copyright or patent for a certain number of years. A person may sell, dispose of, or convey a copyright or a patent, the same as other property.

Patents are issued in the name of the United States

of America, for a term of seventeen years. To procure an ordinary patent, it usually costs about \$60. Models or sketches have to be made and sent to the commissioner, who makes an examination of the records to see whether there are other things like it already patented. If the designs are found to be original and nothing patented like them, on the receipt of the legal fee, the patent is granted.

Copyrights are secured very much as a patent, but the cost is not so great. To secure a copyright, send to the commissioner the title page of the book or the design to be copyrighted, with one dollar, and if, on investigation, he finds that you are entitled to a copyright, at his earliest convenience, it will be issued. After the book has been published the law requires two copies to be deposited in the library of Congress. A copyright is good for twenty-eight years and may be renewed for fourteen more.

448. Census.—The Superintendent of Census is appointed every ten years and continues in office until the work of taking the census has been completed, which is required by law to be finished within three years. He superintends the taking of all the census of the United States.

449. Documents.—The Superintendent of Documents looks after the distribution of all documents printed for the public.

450. Education.—It is the duty of the Commissioner of Education to collect statistics and facts show-

ing the condition and progress of education in the United States and Territories, and to diffuse such information respecting the organization and management of schools and school-systems and methods of teaching, as will aid the people of the United States in the establishment and maintenance of efficient school-systems, and otherwise promote the cause of education throughout the country.

451. Returns Office.—In this department, a clerk is appointed whose duty it is to file away in a systematic way all contracts made by the Secretary of War, Secretary of the Navy, and Secretary of the Interior, so that at any time they may be easy of access.

452. Geological Survey.—The Superintendent of Geological Surveys has charge of this department. He sends out scientific men to explore the different parts of the United States, to collect all information concerning animals of all the different ages, all facts concerning geology, natural resources of the country, heights of mountains and their formation, and all other facts that may be derived from the natural resources of the country.

DEPARTMENT OF AGRICULTURE.

453. Organization.—Congress, in 1889, organized this department. Prior to that time it was under the management of a commissioner of agriculture. The Secretary of Agriculture is the head of this department.

454. Duties.—It is the duty of this department to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants. In the interest of all kinds of agricultural pursuits, he publishes and sends out the reports of the weather signal service.

REVIEW QUESTIONS.

1. What does the word executive mean?
2. Who is at the head of our government?
3. How many Vice-Presidents have become President?
4. Give qualifications, term, and salary of President.
5. Who takes the President's place in case of death?
6. If both the President and Vice-President should die, who becomes President and in what order?
7. Give duties of Vice-President.
8. What is his salary?
9. Explain (1) National committee, (2) campaign committee, (3) State committee, (4) other committees.
10. Explain object of National Convention.
11. How many members and how many from each State, Territory, and congressional district?
12. Explain how the call proceeds from the highest to the lowest and the response from the lowest to the highest.
13. Who calls the National Convention to order?
14. Who presides during the session?
15. What is a "platform" and what a "plank"?
16. What do these signify?
17. Explain the nomination for President.
18. Give in detail the manner of electing the presidential electors.
19. Explain how the electors elect the President.
20. Do electors have to vote for the candidate of the party electing them?
21. Explain how the officers shall be seated at a joint meeting for counting the votes for President.
22. Why and how is the President elected by the House?
23. What is meant by the electoral and what by the popu-

lar vote? 24. What is meant by a majority and what by a plurality vote? 25. What is done if a State sends two sets of electoral votes to Congress? 26. When is the President inaugurated? 27. Who administers the oath? 28. Repeat the oath. 29. What is the President's address called and what does it contain? 30. Where does the President reside? 31. Give President's household officers and salary of each. 32. Why does the President give receptions? 33. What is meant by an administration? 34. What office is the highest in the gift of the people? 35. Explain why it is the most responsible position. 36. Why is the President Commander-in-Chief of the army and navy? 37. Why does the President require written information from the heads of departments? 38. Give some of the powers of the President. 39. What is meant by "pardons" and "reprieves"? 40. What officers has he power to appoint by and with the advice of the Senate? 41. Give duties of the President and explain each. 42. What is the object of a Cabinet? 43. How many members are there? 44. What object does the President keep in view when selecting his Cabinet? 45. Give heads of departments in the order in which they would become President. 46. If both the President and Vice-President die, and the members of the Cabinet in the order of succession fail to have the required qualifications, what would be the result? 47. How many members of Washington's first Cabinet? 48. Give them and also salary of members of Cabinet. 49. Explain departmental regulations, Cabinet meetings, and reports. 50. When was the Department of State organized and who is the head thereof? 51. Give subordinate officers. 52. What are the duties of Secretary of State? 53. What are passports? 54. What is meant by a "bureau"? 55. Name the diplomatic officers. 56. Give difference, if any. 57. Give duties of diplomatic officers. 58. Explain the difference between consuls and diplomats. 59. What is a consular district? 60. What is the object of the consular service? 61. What compensation do consular officers receive? 62. Do diplomats ever perform the

duties of consuls? 63. When was the Treasury Department organized? 64. Give duties. 65. Name some of the officers. 66. Give duties of (1) Assistants, (2) Comptrollers, (3) First Auditor, (4) Second Auditor, (5) Third Auditor, (6) Fourth Auditor, (7) Fifth Auditor, (8) Sixth Auditor, (9) Treasurer, (10) Register. 67. What are the duties of the commissioners of customs, and internal revenues? 68. Give duties of (1) Comptroller of the Currency, (2) Bureau of Statistics, (3) Bureau of the Mint. 69. When was the War Department organized? 70. Give duties. 71. Who are the officers of the War Department? 72. Give duties of each officer. 73. Where is the Military Academy? 74. What is the object of it? 75. Explain the appointment of cadets and how many. 76. When was the Department of Justice organized and who is the head thereof? 77. What are the duties? 78. What other officers belong to this department? 79. When was the Post-Office Department organized, and who is the head thereof? 80. What are the duties of this department? 81. Give divisions of this department and duties of each. 82. What compensation do the assistants receive? 83. When was the Navy Department organized, and who is the head thereof? 84. What are the duties of this department? 85. Give bureaus of this department and duties of each. 86. Where is the Naval Academy? 87. Explain it. 88. When was the Interior Department organized, and who is the head thereof? 89. Give duties of this department. 90. Give duties of the following bureaus: (1) General Land Office, (2) Indian Affairs, (3) Pensions, (4) Patents and Copyrights, and explain how they may be obtained, and for what purpose, (5) Census, (6) Documents, (7) Education, (8) Returns Office, (9) Geological Survey. 91. When was the Department of Agriculture organized, and who is the head thereof? 92. What are the duties? 93. Why does the Secretary of Agriculture send out various kinds of seed to the people of the United States? 94. What officer in your State corresponds to the Secretary of Agriculture? 95. If you wished to procure a

patent or a copyright, to whom would you apply? 96. How would you address your letter? 97. To whom would you apply for a pension? 98. Suppose you wanted a public document, to whom would you write? * 99. Suppose you wished to know something of a former treaty, to whom should you apply?

* By act of Congress, the sale of the Revised Statutes, Statutes at Large, and pamphlet leaves has been transferred from the Department of State to Superintendent of Documents, Union Building, Washington, D. C.

CHAPTER XIV.

Territories.

455. Object.—All of the territory belonging to the United States is, and of necessity must be, under some kind of government. It would not be right, of course, to admit a Territory into the Union, and allow it representation in Congress, when the population would not justify it. (See Art. 465.) This would bring about unequal representation. In order to provide for the government of such divisions of the public domain as may be designated as a Territory, Congress has provided a “Territorial Government” and passed “Territorial Laws,” applicable to all the Territories, and for their government until the population of the Territory has increased to such an extent as to allow it representation in Congress. The boundaries of these Territories are fixed by law and the government established by act of Congress.

LEGISLATIVE DEPARTMENT.

456. Legislative Power.—The legislative power in each Territory is vested in the Governor and a Leg-

islative Assembly, which consists of two branches, a Council and a House of Representatives.

457. Council.—The “Council” usually consists of twelve members who are appointed by the President by and with the consent of the Senate, serve for two years, and receive six dollars per day and such mileage as may be provided. The Council corresponds to our upper house, or Senate. The President of the Council presides and receives as his compensation ten dollars per day.

458. Representatives.—The House of Representatives is composed of twenty-four members elected by the qualified electors of the Territory. The law requires the Governor, immediately after his appointment, to cause the census of the people to be taken and to apportion the twenty-four members of the House among the various counties of the Territory. They are then elected by the people for a term of two years, receive six dollars per day and mileage, and must reside in the county from which they are elected. The Speaker of the House presides and receives ten dollars per day.

459. Passage of Bills.—Every bill which passes each branch of a Territorial Legislature must be presented to the Governor for his approval or disapproval. If he does not sign the bill, he must return it with his objections to the house in which it originated. If, after reconsideration, both houses pass it by a two-thirds vote, it becomes a law as provided further on.

If any bill be not returned by the Governor within three days, Sundays excepted, it becomes a law, in like manner as if he had signed it.

All laws passed by the Legislative Assembly of any Territory must be submitted to Congress, and if disapproved, are null and of no effect.

460. Sessions.—At the seat of government of each Territory, the Legislature thereof holds biennial sessions. Each assembly fixes its own time for beginning; but the United States laws provide that no session shall be longer than forty days.

461. Subordinate Officers.—The officers of a Territorial Legislature are: one chief clerk, whose salary is \$8 a day; one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger, and one watchman, each of whom receives \$5 a day. Their duties are suggested by their names.

JUDICIAL DEPARTMENT.

462. Courts.—The Territorial Courts have been explained under the head of United States Courts (which see). However, we will give here a summary.

The Supreme Court of every Territory consists of one chief justice and two associates, any two of whom constitute a quorum. Their salaries are \$3,000 a year. They hold one term of court annually at the seat of government. The President, by and with the advice of the Senate, appoints them for a term of four years.

Every Territory is divided into three districts, and a district court held in each by one of the justices of the Supreme Court at such time and place as may be prescribed by law, and each judge, after assignment, must reside in the district to which he is assigned.

There is appointed in each Territory a person learned in the law, to act as attorney for the United States. He continues in office for four years.

The United States marshal for the Territory is appointed by the President for a term of four years. His duties are the same as any other United States marshal.

The Territorial Legislature has power to establish such inferior courts as may be necessary. Congress has provided for justices' courts like those of the States.

EXECUTIVE DEPARTMENT.

463. Governor.—The executive power of each Territory is vested in a Governor, who is appointed by the President and confirmed by the Senate. He holds his office for a term of four years, must reside in the Territory for which he is appointed, and is commander-in-chief of the militia. He has power to grant pardons and reprieves and remit fines for offences against the laws of Congress till the decision of the President can be made known thereon. The Governor has power also to appoint a number of subordinate officers, such as a secretary, who performs such duties

as belong to the secretaries of States, and who, in case of death, resignation, or removal from office of the Governor becomes the Chief Executive; also an auditor, a treasurer, a superintendent of public instruction, etc., whose duties are suggested by the name.

464. Counties and Townships.—Territories are subdivided into counties and townships exactly as our States, and serve the same purpose. In each county and township there are officers elected by the qualified voters just as they are in the States. These county officers assist in executing all laws passed by Congress applicable to the Territory and all laws passed by the Legislature thereof just as the county officers of each State execute its laws.

465. Representation in Congress.—Every Territory has a right to send a delegate to the House of Representatives. He is elected by the qualified electors of the Territory, and serves for a term of two years. Each delegate has a right to debate and discuss questions, but has no right to vote.

ALASKA.

466. Special Territories.—Some of the Territories of the United States are under a form of government provided especially for them. Alaska is a Territory of this kind and has a special form of government.

467. Districts.—All of the territory of Alaska

is organized into a civil and judicial district, with the seat of government at Sitka.

468. Governor.—For this district, a Governor is appointed by the President and confirmed by the Senate. He holds his office for a term of four years and must reside in the district. He is required to see that all laws are properly executed, and to perform all duties that belong to a Governor of any other Territory. He is commander-in-chief of the militia and has power to call it out at any time.

469. Courts.—Alaska constitutes one judicial district, in which a judge is appointed, who holds two terms of court each year, one at Sitka and the other at Wrangel. He may hold special sessions of court at other places if he deems it necessary for the dispatch of business.

A clerk, who is *ex officio* secretary and treasurer, an attorney and a marshal are appointed for this district.

470. Commissioners.—The President appoints four commissioners for the district of Alaska who exercise all the duties and powers, both civil and criminal, now conferred on a justice of the peace of Oregon. These commissioners must reside in Alaska and hold their terms of court—one at Sitka, one at Wrangel, one at Oonalaska, and one at Juneau City. There is one deputy marshal at each of these places.

471. Legislative Department.—The district of

Alaska has no legislative department. The laws of Oregon are declared to be the laws of Alaska in so far as they are applicable.

472. Appointment.—All of the officers provided for in the above article—that is, the governor, judge, attorney, marshal, clerk, and commissioners—are appointed for a term of four years by the President by and with the advice and consent of the Senate.

INDIAN TERRITORY.

473. Government.—In 1832, Congress set apart the Indian Territory as the home of the Indian. Congress from time to time had bought out different tribes of Indians and the white man had so encroached upon their territory as to make it necessary that Congress make some provision for their colonization, hence the Indian Territory was set apart for this purpose.

474. Tribes.—The Indian Territory is settled by tribes, as, for example, the Choctaws, Cherokees, etc. The United States government exercises jurisdiction over and superintends the general affairs of the Territory—that is, it requires the Indians to live consistent with the laws of our government. But the tribes are allowed to manage their own local affairs, pass or make their own laws, and punish offences against them. Each tribe, at present, still has its Indian chief, who is the highest officer of the tribe and who has the general management of the affairs of his people.

DISTRICT OF COLUMBIA.

475. Government.—The District of Columbia is under the control of Congress. Three commissioners are appointed by the President by and with the consent of the Senate. These commissioners administer the affairs of the District. The people have no voice in the affairs of our government. By act of Congress, it is the permanent seat of government, and can never become a State.

REVIEW QUESTIONS.

1. Why have we organized Territories? 2. Why are they not admitted into the Union? 3. When may a Territory be admitted into the Union? 4. In what is the legislative power of a Territory vested? 5. How many members of the Council and how are they chosen? 6. To what do they correspond in the State? 7. How many Representatives and how are they chosen? 8. To what do they correspond in the State? 9. Who presides over each body and how much do they receive per day? 10. How much do members receive per day? 11. Explain how bills are passed. 12. How often does the Legislature meet, and where? 13. How long may it hold? 14. How many judges of a Territorial court? 15. How are they appointed, how long do they serve, and how much do they receive? 16. How are Territories divided and who holds the courts in these divisions? 17. What other officers are appointed in the Territory? 18. What is the Chief Executive of a Territory called? 19. How is he appointed and for what length of time? 20. Give some of his duties. 21. What subordinate officers are appointed by him? 22. What are the subdivisions of the Territory? 23. How many Representatives in Congress has a Territory, and what powers have such Representatives?

24. Are all Territories governed alike? 25. How many districts in Alaska? 26. How is the Chief Executive chosen? and give his duties. 27. Explain the judicial system of Alaska. 28. What is the object of commissioners, and how many? 29. Has Alaska a legislative department, if not, how can they get along without it? 30. When was the Indian Territory set apart for the Indians, and why? 31. What does our government have to do with it? 32. Do the tribes govern themselves? 33. Who is the highest officer? 34. Explain how the District of Columbia is governed. 35. Have the people a voice in the affairs of our government?

Constitution of the United States.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.—LEGISLATIVE DEPARTMENT.

SECTION I.—*Congress in General.*

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.—*House of Representatives.*

Clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Clause 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Clause 3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number

of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Clause 4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Clause 5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.—*Senate.*

Clause 1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years, and each senator shall have one vote.

Clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until

the next meeting of the Legislature, which shall then fill such vacancies.

Clause 3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Clause 4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Clause 5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Clause 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Clause 7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.—*Both Houses.*

Clause 1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

Clause 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.—*The Houses Separately.*

Clause 1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Clause 2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Clause 3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Clause 4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.—*Disabilities of Members.*

Clause 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Clause 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have

been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.—*Mode of Passing Laws.*

Clause 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Clause 2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Clause 3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, accord-

ing to the rules and limitations prescribed in the case of a bill.

SECTION VIII.—*Powers Granted to Congress.*

The Congress shall have power—

Clause 1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

Clause 2. To borrow money on the credit of the United States;

Clause 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Clause 4. To establish a uniform rule of naturalization and uniform laws, on the subject of bankruptcies, throughout the United States;

Clause 5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Clause 7. To establish post-offices and post-roads;

Clause 8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

Clause 9. To constitute tribunals inferior to the Supreme Court;

Clause 10. To define and punish felonies committed on the high seas, and offences against the law of nations;

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Clause 12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

Clause 13. To provide and maintain a navy;

Clause 14. To make rules for the government and regulation of the land and naval forces;

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

Clause 17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.—*Powers Denied to the United States.*

Clause 1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Clause 2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in the case of rebellion or invasion, the public safety may require it.

Clause 3. No bill of attainder, or *ex post facto* law, shall be passed.

Clause 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

Clause 5. No tax or duty shall be laid on articles exported from any State.

Clause 6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Clause 7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Clause 8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.—*Powers Denied to the States.*

Clause 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

Clause 2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Clause 3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another

State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delays.

ARTICLE II.—EXECUTIVE DEPARTMENT.

SECTION I.—*President and Vice-President.*

Clause 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Clause 2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Clause 3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President.

But in choosing the President, the votes shall be taken by States, the representation from each State having one vote, a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

Clause 4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Clause 5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Clause 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Clause 7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

*Altered by the 12th Amendment.

Clause 8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION II.—*Powers of the President.*

Clause 1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several States, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Clause 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Clause 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.—*Duties of the President.*

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their con-

sideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.—*Impeachment of the President.*

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—JUDICIAL DEPARTMENT.

SECTION I.—*United States Courts.*

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.—*Jurisdiction of the United States Courts.*

Clause 1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between

citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.*

Clause 2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Clause 3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.—*Treason.*

Clause 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Clause 2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.—*State Records.*

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe

*Altered by the 11th Amendment.

the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.—*Privileges of Citizens, etc.*

Clause 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Clause 2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Clause 3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.—*New States and Territories.*

Clause 1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Clause 2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.—*Guarantee to the States.*

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.—POWER OF AMENDMENT.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposed amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

Clause 1. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

Clause 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Clause 3. The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious

test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—RATIFICATION OF THE CONSTITUTION.

The ratification of the Convention of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President and Deputy from Virginia.*

[Here follow signatures of other deputies.]

Attest,

WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—*Freedom of Religion, etc.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—*Right to Bear Arms.*

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE V.—*Trial for Crime, etc.*

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.—*Rights of Accused Persons.*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.—*Suits at Common Law.*

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.—*Excessive Bail.*

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.—*Mode of Choosing the President and Vice-President.*

Clause 1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of electors appointed; and if no person have such majority, then from the

persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

Clause 2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

Clause 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, ex-

cluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male members of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

The Articles of Confederation.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.

The style of this Confederacy shall be, "The United States of America."

ARTICLE II.

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.

The said States hereby severally enter into a firm league of friendship with each other, for the common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon, them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free

citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restriction shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind. Each State shall maintain its own delegates in any

meeting of the States and while they act as members of the committee of the States. In determining questions in the United States, in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in

Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ARTICLE VII.

When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the Legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expenses that shall be incurred for the common defence, or general welfare, and

allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ARTICLE IX.

The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary jurisdiction, or any other cause

whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned. Provided,

that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of

the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip

as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States shall, from time to

time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI.

Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII.

All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual

Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire:

Josiah Bartlett, John Wentworth, Jr.

On the part and behalf of the State of Massachusetts Bay:

John Hancock, Francis Dana,
Samuel Adams, James Lovell,
Elbridge Gerry, Samuel Holten.

On the part and behalf of the State of Rhode Island and Providence Plantations:

William Ellery, Henry Marchant,
John Collins.

On the part and behalf of the State of Connecticut:

Roger Sherman, Oliver Wolcott,
Samuel Huntington, Titus Hosmer,
Andrew Adams.

On the part and behalf of the State of New York:

Jas. Duane, Wm. Duer,
Fra. Lewis, Gouv. Morris.

On the part and behalf of the State of New Jersey:

Jno. Witherspoon. Nathl. Scudder.

On the part and behalf of the State of Pennsylvania:

Robt. Morris, Jona. Bayard Smith,

Daniel Roberdeau, William Clingan,

Joseph Reed.

On the part and behalf of the State of Delaware:

Tho. M'Kean, John Dickinson,

Nicholas Van Dyke.

On the part and behalf of the State of Maryland:

John Hanson, Daniel Carroll.

On the part and behalf of the State of Virginia:

Richard Henry Lee, Thomas Adams,

John Banister, Jno. Harvie,

Francis Lightfoot Lee.

On the part and behalf of the State of North Carolina:

John Penn, Corns. Harnett,

Jno. Williams.

On the part and behalf of the State of South Carolina:

Henry Laurens, John Mathews,

William Henry Drayton, Richd. Hutson,

Thos. Heyward, Jr.

On the part and behalf of the State of Georgia:

Jno. Walton, Edwd. Telfair,

Edwd. Langworthy.

THE STATES AND THE UNION.

THE THIRTEEN ORIGINAL STATES.

No.	STATES.	RATIFIED CONSTITUTION.	No.	STATES.	RATIFIED CONSTITUTION.
1	Delaware.....	Dec. 7, 1787.	8	South Carolina	May 23, 1788.
2	Pennsylvania..	Dec. 12, 1787.	9	N'w Hampshire	June 21, 1788.
3	New Jersey	Dec. 18, 1787.	10	Virginia.	June 26, 1788.
4	Georgia	Jan. 2, 1788.	11	New York.....	July 26, 1788.
5	Connecticut ...	Jan. 9, 1788.	12	North Carolina	Nov. 21, 1789.
6	Massachusetts.	Feb. 6, 1788.	13	Rhode Island..	May 29, 1790.
7	Maryland	April 28, 1788.			

STATES ADMITTED TO THE UNION.

No.	STATES.	ADMITTED.	No.	STATES.	ADMITTED.
1	Vermont	March 4, 1791.	17	Wisconsin	May 29, 1848.
2	Kentucky	June 1, 1792.	18	California	Sept. 9, 1850.
3	Tennessee.....	June 1, 1796.	19	Minnesota	May 11, 1858.
4	Ohio.....	Nov. 29, 1802.	20	Oregon.....	Feb. 11, 1859.
5	Louisiana	April 8, 1812.	21	Kansas	Jan. 29, 1861.
6	Indiana	Dec. 11, 1816.	22	West Virginia..	Dec. 31, 1862.
7	Mississippi.....	Dec. 10, 1817.	23	Nevada.....	Oct. 31, 1864.
8	Illinois.....	Dec. 3, 1818.	24	Nebraska.....	Mar. 1, 1867.
9	Alabama	Dec. 14, 1819.	25	Colorado.....	Aug. 1, 1876.
10	Maine	Mar. 15, 1820.	26	North Dakota..	Nov. 2, 1889.
11	Missouri.....	Aug. 10, 1821.	27	South Dakota..	Nov. 2, 1889.
12	Arkansas.....	June 15, 1836.	28	Montana.....	Nov. 8, 1889.
13	Michigan.....	Jan. 26, 1837.	29	Washington....	Nov. 11, 1889.
14	Florida.....	Mar. 3, 1845.	30	Idaho.....	July 3, 1890.
15	Texas.....	Dec. 29, 1845.	31	Wyoming.....	July 11, 1890.
16	Iowa.....	Dec. 28, 1846.	32	Utah	——, 1895.

THE TERRITORIES.

TERRITORIES.	ORGANIZED.	TERRITORIES.	ORGANIZED.
District of Col....	{ July 16, 1790. { March 3, 1791.	Arizona.....	Feb. 24, 1863.
* Indian.....	June 30, 1834.	Alaska.....	July 27, 1868.
New Mexico	Sept. 9, 1850.	Oklahoma..	May 2, 1890.

* The Indian Territory has as yet no organized territorial government.

RATIO OF REPRESENTATION

IN THE UNITED STATES HOUSE OF REPRESENTATIVES

From 1789 to 1792 as provided by the United States Constitution.	30,000
From 1792 to 1803 based on the United States census of 1790.....	33,000
From 1803 to 1813 based on the United States census of 1800.....	33,000
From 1813 to 1823 based on the United States census of 1810.....	35,000
From 1823 to 1833 based on the United States census of 1820.....	40,000
From 1833 to 1843 based on the United States census of 1830.....	47,700
From 1843 to 1853 based on the United States census of 1840.....	70,680
From 1853 to 1863 based on the United States census of 1850.....	93,420
From 1863 to 1873 based on the United States census of 1860.....	127,381
From 1873 to 1883 based on the United States census of 1870.....	131,425
From 1883 to 1893 based on the United States census of 1880.....	151,912
From 1893 to 1903 based on the United States census of 1890.....	173,901

THE NEW APPORTIONMENT.

Following is the Apportionment of Representatives in Congress and Presidential Electors under the Apportionment Law, based on census of 1890:

(Basis of population, 173,901.)

STATES.	POPULATION.	REPRESENTATION ON EVEN DIVISION.	FRACTION RESULTING.	FINAL NO. OF REP- RESENTATIVES.	ELECTORAL VOTE '92.
Alabama.....	1,513,017	8	121,809	9	11
Arkansas.....	1,128,179	6	84,773	6	8
California.....	1,208,130	6	164,724	7	9
Colorado.....	412,198	2	64,306	2	4
Connecticut.....	746,258	4	50,654	4	6
Delaware.....	168,493	1	.....	1	3
Florida.....	391,422	2	43,620	2	4
Georgia.....	1,837,353	10	98,343	11	13
Idaho.....	84,385	1	.....	1	3
Illinois.....	3,826,351	22	529	22	24
Indiana.....	2,192,404	12	105,592	13	15
Iowa.....	1,911,896	10	172,886	11	13
Kansas.....	1,427,096	8	35,888	8	10
Kentucky.....	1,858,635	10	119,625	11	13
Louisiana.....	1,118,587	6	75,181	6	8
Maine.....	661,086	3	139,383	4	6
Maryland.....	1,042,390	5	172,885	6	8
Massachusetts.....	2,298,943	12	152,131	13	15
Michigan.....	2,093,889	12	7,077	12	14
Minnesota.....	1,301,826	7	84,519	7	9
Mississippi.....	1,289,600	7	72,293	7	9
Missouri.....	2,679,184	15	70,669	15	17
Montana.....	132,159	1	.....	1	3
Nebraska.....	1,058,910	6	15,504	6	8
Nevada.....	45,761	1	.....	1	3
New Hampshire.....	376,530	2	28,728	2	4
New Jersey.....	1,444,933	8	53,725	8	10
New York.....	5,997,853	34	85,219	34	36
North Carolina.....	1,617,947	9	52,838	9	11
North Dakota.....	182,719	1	8,818	1	3
Ohio.....	3,672,316	21	20,395	21	23
Oregon.....	313,767	1	139,866	2	4
Pennsylvania.....	5,258,014	30	40,984	30	32
Rhode Island.....	345,506	1	171,605	2	4
South Carolina.....	1,151,149	6	107,748	7	9
South Dakota.....	328,808	1	154,907	2	4

THE NEW APPORTIONMENT.—CONTINUED.

STATES.	POPULATION.	REPRESENTATION ON EVEN DIVISION.	FRACTION RESULTING.	FINAL NO. OF REP- RESENTATIVES.	ELECTORAL VOTE '92.
Tennessee	1,767,518	10	28,508	10	12
Texas	2,235,523	12	148,711	13	15
Vermont.....	332,422	1	158,521	2	4
Virginia.....	1,655,980	9	90,871	10	12
Washington	349,390	2	1,588	2	4
West Virginia.....	762,794	4	67,190	4	6
Wisconsin	1,686,880	9	121,771	10	12
Wyoming	60,705	1	1	3
Total.....	61,908,906	339	3,334,469	356	444
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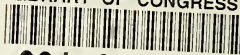
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